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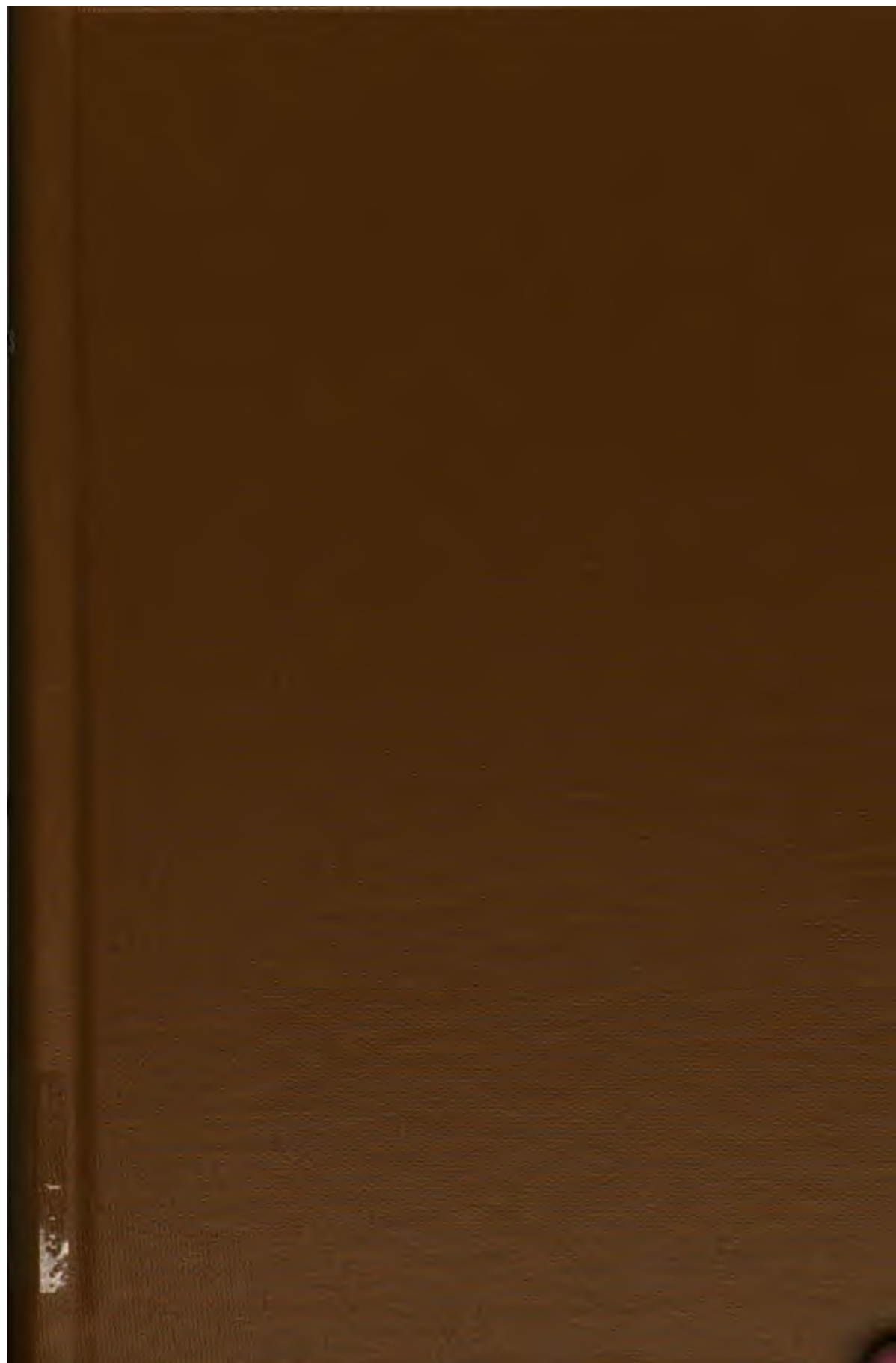
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U. S. Laws, statutes, etc.

L A W S

OF

THE UNITED STATES.

OF A

LOCAL OR TEMPORARY CHARACTER,

AND

EXHIBITING THE ENTIRE LEGISLATION OF CONGRESS UPON
WHICH THE PUBLIC LAND TITLES IN EACH STATE
AND TERRITORY HAVE DEPENDED.

December 1, 1880.

EMBRACING, ALSO, A DIGEST OF ALL INDIAN TREATIES AFFECTING THE
TITLES TO PUBLIC LANDS; AN ABSTRACT OF THE AUTHORITY FOR,
AND THE BOUNDARIES OF, THE EXISTING MILITARY RESERVA-
TIONS; AND A TABLE OF JUDICIAL AND EXECUTIVE
DECISIONS AFFECTING THE VARIOUS SUBJECTS
ARISING UNDER THE PUBLIC LAND SYSTEM.

VOLUME II.

Prepared pursuant to the authority of an act of Congress and under the direction of the "Commission
on the Codification of existing laws relating to the survey and disposition of the public domain."

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1880.

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IOWA.

Louisa Sawyer

No. 1755.—AN ACT to relinquish the reversionary interest of the United States in a certain Indian reservation lying between the rivers Mississippi and Desmoines.

June 30, 1834.
Vol. 4, p. 740.

Be it enacted, &c., That all the right, title, and interest which might accrue or revert to the United States to the reservation of land, lying between the rivers Desmoines and Mississippi, which was reserved for the use of the half-breeds belonging to the Sacs and Fox nations, now used by them, or some of them, under a treaty made and concluded between the United States and the Sacs and Fox tribes or nations of Indians, at Washington, on the fourth day of August, in the year one thousand eight hundred and twenty-four, be, and the same are hereby, relinquished and vested in the said half-breeds of the Sacs and Fox tribes or nations of Indians, who, at the passage of this act are, under the reservation in the said treaty, entitled, by the Indian title, to the same; with full power and authority to transfer their portions thereof, by sale, devise or descent, according to the laws of the State of Missouri. (a)

Lands relinquished, and to be vested in certain half-breeds of Sacs and Fox Indians.

(a) See Nos. 1766, 1770, 1771.

No. 1756.—AN ACT confirming to the legal representatives of Thomas F. Reddick, a tract of six hundred and forty acres of land.

July 1, 1836.
Vol. 6, p. 661.

Be it enacted, &c., That all the right, title, claim and interest, that the United States have in and unto a certain tract or parcel of land, containing six hundred and forty acres, situate on the left bank of the Mississippi River, about eighteen miles above the mouth of the Desmoines River, in fractional township number sixty-six, north of the base line of range number five, west of the fifth principal meridian, in the territory recently attached to the Territory of Michigan, as will more fully appear on reference to the plat of survey, executed by Jennifer T. Sprigg, be, and the same is hereby, relinquished to the heirs of Thomas F. Reddick: *Provided, nevertheless,* If said lands shall be taken by any older or better claim, not emanating from the United States, the Government will not be in anywise responsible for any remuneration to said heirs: *And provided, also,* That should said tract of land be included in any reservation heretofore made under treaty with any Indian tribe, that the said heirs be, and they hereby are, authorized to locate the same quantity, in legal divisions or subdivisions, on any unappropriated land of the United States in said Territory subject to entry at private sale.

Right, &c., of United States to a certain tract of land, relinquished.

Proviso.

Proviso.

No. 1757.—AN ACT for laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Belleview, Du Buque, and Peru, in the county of Du Buque, Territory of Wisconsin, and for other purposes.

July 2, 1836.
Vol. 5, p. 70.

Be it enacted, &c., That the tracts of land in the Territory of Wisconsin including the towns of Fort Madison and Burlington, in the county of Des Moines; Belleview, Du Buque, and Peru, in the county of Du Buque; and Mineral Point, in the county of Iowa, shall, under the direction of the surveyor-general of the public lands, be laid off into town lots, streets, avenues, and the lots for public use called the public squares, and into out-lots having regard to the lots and streets already surveyed, in such manner and of such dimensions as he may think proper for the public good and the equitable rights of the settlers and occupants of the said towns: *Provided,* The tracts of land so to be laid off into town lots, &c., shall not exceed the quantity of one entire section, nor the town-lots one-half of an acre; nor shall the out-lots exceed the quantity of four acres each. When the survey of the lots shall be completed, a plat thereof shall be returned to the Secretary of the Treasury, and within six months thereafter the lots shall be offered to the highest bidder, at public sale,

Towns of Fort Madison, Burlington, Belleview, Dubuque and Peru, Wisconsin Territory.

- Proviso.** under the direction of the President of the United States, and at such other times as he shall think proper; (a) *Provided*, That no town lot shall be sold for a sum less than five dollars: *And provided further*, That a quantity of land of proper width, on the river banks, at the towns of Fort Madison, Belleview, Burlington, Du Buque, and Peru, and running with the said rivers the whole length of said towns, shall be reserved from sale, (as shall also the public squares,) for public use, and remain for ever for public use, as public highways, and for other public uses.
- Surveyor to class the lots.** SEC. 2. *And be it further enacted*, That it shall be the duty of the said surveyor to class the lots already surveyed in the said towns of Fort Madison, Burlington, Belleview, Du Buque, Peru, and Mineral Point, into three classes, according to the relative value thereof, on account of situation and eligibility for business, without regard however to the improvements made thereon; and previous to the sale of said lots as aforesaid, each and every person or persons, or his, her, or their legal representatives, who shall heretofore have obtained from the agent of the United States a permit to occupy any lot or lots in the said towns, or who shall have, by building or enclosure, actually occupied or improved any lot or lots in the said towns, or within the tracts of land hereby authorized to be laid off into lots, shall be permitted to purchase such lot or lots by paying therefor, in cash, if the same fall within the first class as aforesaid, at the rate of forty dollars per acre; if within the second class, at the rate of twenty dollars per acre; and if within the third class, at the rate of ten dollars per acre: *Provided*, That no one of the persons aforesaid shall be permitted to purchase, by authority of this section, more than one acre of ground to embrace improvements already made. (b)
- Proviso.**
- Surveying.** SEC. 3. *And be it further enacted*, That the sum of three thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to defray the expenses of surveying the lands covering the said towns of Fort Madison, Burlington, Belleview, Du Buque, Peru, and Mineral Point.
- (a) See Nos. 1758, 1760, 1781, 1790, 1793, 1794, 1798, 1803, 1804, 1806.
(b) See Nos. 1758, 1773, 1786, 1791, 1813, 1815, 1820.

May 3, 1837.
Vol. 5, p. 178.

No. 1758.—AN ACT to amend an act entitled "An act for laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Belleview, Du Buque, and Peru, in the county of Du Buque, and Mineral Point, in the county of Iowa, Territory of Wisconsin, and for other purposes," approved July second, eighteen hundred and thirty-six.

Acts, &c., required to be done by the surveyor under the act to which this is an amendment shall be done by a board of commissioners, to be appointed by the President, &c.
Proviso. *Be it enacted, &c.*, That all acts and duties required to be done and performed by the surveyor for the Territory of Wisconsin, under the act to which this is an amendment, shall be done by a board of commissioners of three in number, any two of whom shall be a quorum to do business; said commissioners to be appointed by the President of the United States, and shall, previous to their entering upon the discharge of their duties, take an oath or affirmation to perform the same faithfully and impartially: *Provided*, That the action of the commissioners appointed under the present act shall not interfere with any of the acts performed by the surveyor-general, prior to the time of the passage hereof, in pursuance of instructions under the act to which this is amendatory.

The commissioners to have power to determine all claims to lots, &c. SEC. 2. *And be it further enacted*, That the said commissioners shall have power to hear evidence and determine all claims to lots arising under the act to which this is an amendment; and for this purpose, the said commissioners are authorized to administer all oaths that may be necessary, and to reduce to writing all the evidence in support of claims to pre-emption presented for their consideration; and when all the testimony shall have been heard and considered, the said commissioners shall file with the proper register and receiver for the district within which the towns are situated respectively, the testimony in each case, together with a certificate in favor of each person having the right of pre-emption under the provisions of the act of which this is amendatory; and upon making payment to the proper receiver of public moneys for the lot or lots to which such person is entitled, the receiver shall grant a receipt therefor, and the register issue certificates of purchase, to be transmitted to the Commissioner of the General Land Office, as in other cases of the sale of public lands. (a)

Upon payment being made to the proper receiver for a lot, he shall grant a receipt, &c.

SEC. 3. *And be it further enacted,* That the proper register and receiver of public moneys, after the board of commissioners have heard and determined all the cases of pre-emption under the act to which this is an amendment, shall expose the residue of the lots to public sale to the highest bidder, after advertising the same in three public newspapers at least three months prior to the day of sale, in the same manner as is provided for the sale of public lands in other cases; and after paying the commissioners the compensation hereafter allowed them, and all other expenses incident to the said survey and sale, the receiver of the land office shall pay over the residue of the money he may have received from the sale of lots aforesaid, by pre-emption as well as at public auction, into the hands of the trustees of the respective towns aforesaid, to be expended by them in the erection of public buildings, the construction of suitable wharves, and the improvement of the streets in the said towns of Fort Madison, Burlington, Belleview, Du Buque, Peru and Mineral Point. (b)

SEC. 4. *And be it further enacted,* That the commissioners appointed to carry this act into effect, shall be paid by the receiver of public moneys, of the proper land district, six dollars each, per day, for their services, for every day they are necessarily employed.

(a) See Nos. 1757, 1760, 1781, 1790, 1793, 1794, 1798, 1803, 1804, 1806.
(b) See Nos. 1757, 1773, 1788, 1791, 1813, 1815, 1820.

No. 1759.—AN ACT to divide the Territory of Wisconsin and to establish the Territorial government of Iowa.

Be it enacted, &c., That from and after the third day of July next, all that part of the present Territory of Wisconsin which lies west of the Mississippi River, and west of a line drawn due north from the headwaters or sources of the Mississippi to the Territorial line, shall, for the purposes of temporary government, be and constitute a separate Territorial government by the name of Iowa; and that from and after the said third day of July next, the present Territorial government of Wisconsin shall extend only to that part of the present Territory of Wisconsin which lies east of the Mississippi River. And after the said third day of July next, all power and authority of the government of Wisconsin in and over the Territory hereby constituted shall cease: *Provided,* That nothing in this act contained shall be construed to impair the rights of persons or property now appertaining to any Indians within the said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to impair the obligations of any treaty now existing between the United States and such Indians, or to impair or otherwise to affect the authority of the Government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty or law, or otherwise, which it would have been competent to the Government to make if this act had never been passed: *Provided,* That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing the Territory hereby established into one or more other Territories, in such manner and at such times as Congress shall, in its discretion, deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States.

SEC. 6. *And be it further enacted,* That the legislative power of the Territory shall extend to all rightful subjects of legislation; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws of the governor and legislative assembly shall be submitted to, and if disapproved by, the Congress of the United States, the same shall be null and of no effect. (a)

(a) See Nos. 1068, 1761, 1763, 1774, 1776, 1779, 1785, 1787, 1788.

No. 1760.—AN ACT to establish two additional land offices in that part of Wisconsin Territory west of the river Mississippi.

Be it enacted, &c., That for the sale of the public lands in that part of the Territory of Wisconsin situate west of the river Mississippi, two land districts are hereby created; one of which comprising all the lands south of the east and west line which forms the northern bound-

The proper register and receiver, after the commissioners have determined all cases of pre-emption, shall expose residue of lots at public sale, to the highest bidder, &c.

After paying the commissioners, &c., the receiver shall pay over the residue to the trustees of the towns aforesaid.

The commissioners to be paid six dollars per day.

June 12, 1838.
Vol. 5, p. 235.

What part of the present Territory of Wisconsin shall constitute the Territory of Iowa.

The authority of Wisconsin over the Territory thus constituted, to cease. *Provided.*

Provided.

Powers of the legislature. Restrictions.

Laws to be submitted to Congress for approval.

June 12, 1838.
Vol. 5, p. 243.

Two land districts created for the sale of the public lands.

Des Moines. ary of the township adjoining to, and immediately south of, the township in which the town of Davenport is situate, shall be called the Des Moines land district, the land office for which shall be established at the town of Burlington; and the other district, comprising the lands north of the said east and west line, shall be called the Du Buque land district, the office for which shall be established at the town of Du Buque.

President to appoint a register and receiver for each district. SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and receiver of public moneys for each of the said districts, and who shall, respectively, be required to reside at the site of their offices, and have powers, perform the same duties, and be entitled to the same compensation, as are or may be prescribed by law in relation to the other land officers of the United States. (a)

Powers, duties, and compensation. SEC. 3. *And be it further enacted*, That the President is authorized to cause the public lands in the said districts with the exception of section numbered sixteen in each township, reserved for the use of schools, (b) or such other lands as may by law be selected in lieu thereof, and of such other tracts as he may select for military or other purposes, to be exposed to sale in the same manner, and upon the same terms and conditions, as the other public lands of the United States. (c)

Public lands in said districts, except, &c., to be exposed to sale. SEC. 4. *And be it further enacted*, That whenever the President may deem it expedient, he is hereby authorized to remove the said land offices to such other places within those districts as he may judge proper. (a)

President authorized to remove the said land offices. (a) See Nos. 1781, 1790, 1793.
(b) See Nos. 1668, 1769, 1772, 1775, 1777, 1789.
(c) See Nos. 1757, 1758, 1781, 1790, 1793, 1794, 1798, 1803, 1804, 1806.

June 18, 1838.
Vol. 5, p. 248.

No. 1761.—AN ACT to authorize the President of the United States to cause the southern boundary line of the Territory of Iowa to be ascertained and marked.

President to cause southern boundary of Iowa to be ascertained and marked. *Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized to cause to be surveyed, ascertained and distinctly marked, the southern boundary line of the Territory of Iowa, west of the Mississippi River, which divides said Territory from the State of Missouri; and that, for that purpose he shall appoint a commissioner on the part of the United States, who (with the aid of such surveyor or surveyors as may be necessary) shall unite or act in conjunction with a commissioner to be appointed by the State of Missouri and a commissioner to be appointed by the governor of the Territory of Iowa, in running, marking, and ascertaining said boundary line; and that it shall be the duty of the commissioner so to be appointed by the President as aforesaid, after he shall have ascertained, run, and marked said boundary line, to make three maps or plats thereof, with a description or survey-bill thereof appended to each map or plat; one of which shall be returned to the office of Secretary of State for the United States, one to the office of secretary of state for the State of Missouri, and one to the secretary of the Territory of Iowa, and the said commissioner on the part of the United States shall also make a full report of his proceedings in the premises to the Secretary of State for the United States.

President to appoint a commissioner to act, &c., in running, &c., the line. SEC. 2. *And be it further enacted*, That the said boundary line shall be run or surveyed, ascertained, and marked in all respects according to, and in pursuance of the provisions of the following acts, wherein the said boundary line is defined and described, to wit: an act of Congress of the sixth March, eighteen hundred and twenty, entitled "An act to authorize the people of Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories;" and an act of the seventh June, eighteen hundred and thirty-six, entitled "An act to extend the western boundary of the State of Missouri to the Missouri River:" *Provided, however*, That if either or both of said commissioners to be appointed on the part of the State of Missouri and Territory of Iowa should fail to attend to the aforesaid duty, after reasonable notice by the commissioner on the part of the United States, or if the State of Missouri, or governor of Iowa, or either of them, should fail to appoint such commissioner on their part, respectively, after reasonable notice from the President of the United

Three maps of the line, &c. Said line to be run according to acts of March 6, 1820, and June 7, 1836.

Proviso.

States, then, and in that case, the commissioner appointed on the part of the United States shall proceed to execute the duties enjoined by this act with either of said commissioners who may attend, or without the attendance of either or both of said commissioners, as the case may be.

SEC. 3. *And be it further enacted*, That the line to be so run, ascertained, and marked, shall not be deemed to be finally established and ratified by the United States, until the map or plat, and description aforesaid, and also the said report of the commissioner shall be submitted to, and the boundary, as thus ascertained and marked, approved of and ratified by the Congress of the United States. (a)

To be approved by Congress.

SEC. 4. *And be it further enacted*, That, for the purpose of carrying into effect the provisions of this act, the sum of four thousand dollars, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

Appropriation.

(a) See Nos. 1068, 1759, 1763, 1774, 1776, 1779, 1785, 1787, 1788.

No. 1762.—AN ACT making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon.

March 3, 1839.
Vol. 5, p. 330.

Be it enacted, &c. That there be, and hereby is, appropriated and granted to the Territory of Iowa, one entire section of land, of any of the surveyed public lands in said Territory, for the purpose of erecting thereon the public buildings for the use of the executive and legislative departments of the government of the said Territory: *Provided*, That the said section of land shall be selected under the authority of the Territorial legislature, the seat of government located thereon, and notice of said selection officially returned to the register of the land office in the district in which the land is situated within one year from the passing of this act: *And provided, further*, That nothing herein contained shall authorize the selection of the sixteenth section in any township reserved for the use of schools, nor of any lot reserved for public purposes; and that in the selection to be made as aforesaid, no pre-existing improvement or right to pre-emption recognized by law, shall be prejudiced thereby.

Grant of land to Iowa for the erection of public buildings.

Proviso.

SEC. 2. *And be it further enacted*, That if, at the time of the selection of the section of land to be made as aforesaid, the contiguous sections thereto have not been made subject to public sale, or being so subject have not been sold at public sale or by private entry, then each and every section contiguous to said selected section, and not so sold, shall be thereafter reserved and withheld from sale in any manner, until the further order of Congress thereon. But nothing herein expressed shall be construed to restrain the said Territory of Iowa, after appropriating a sufficient quantity of land within said selected section for the site and accommodation of the public buildings, from selling and disposing of the residue of said section in lots or otherwise, for the use of said Territory, in the erection and completion of said buildings. (a)

Further proviso.

Lands reserved, &c.

Iowa may dispose of such part of said land as is more than sufficient, &c.

(a) See Nos. 1766, 1777.

No. 1763.—AN ACT to define and establish the eastern boundary line of the Territory of Iowa.

March 3, 1839.
Vol. 5, p. 357.

Be it enacted, &c., That the middle or centre of the main channel of the river Mississippi shall be deemed, and is hereby declared, to be the eastern boundary line of the Territory of Iowa, so far or to such extent as the said Territory is bounded eastwardly by or upon said river: *Provided, however*, That the said Territory of Iowa shall have concurrent jurisdiction upon the said Mississippi River with any other conterminous State or Territory so far or to such extent as the said river shall form a common boundary between the aforesaid Territory of Iowa and any other such conterminous State or Territory. (a)

Eastern boundary of Iowa.

Proviso.

(a) See Nos. 1068, 1759, 1761, 1774, 1776, 1779, 1785, 1787, 1788.

No. 1764.—AN ACT granting two townships of land for the use of a University in the Territory of Iowa.

July 20, 1840.
Vol. 6, p. 810.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to set apart and reserve from sale, out of any of the public lands within the Territory of Iowa, to which the Indian title has been or may be extinguished, and not otherwise appropriated, a quan-

Land granted for a university in Iowa when it becomes a State, &c.

tity of land, not exceeding two entire townships, for the use and support of a university within the said Territory when it becomes a State, and for no other use or purpose whatsoever, to be located in tracts of not less than an entire section, corresponding with any of the legal divisions into which the public lands are authorized to be surveyed. (a)

(a) See No. 1777.

July 27, 1842.
Vol. 6, p. 844.

Authorized to enter certain land.

Proviso.

No. 1765.—AN ACT to authorize the county commissioners of Linn County, in the Territory of Iowa, to enter, by legal subdivisions, a quarter-section of land, upon which the county seat has been located.

Be it enacted, &c., That the county commissioners of the county of Linn, in the Territory of Iowa, be, and they are hereby, authorized within one year next after the date of this act, to make entry, at the proper land office, at the minimum price, of the west half of the north-west quarter of section numbered six, in township numbered eighty-three north, of range numbered six west; and the east half of the north-east quarter of section numbered one, in township numbered eighty-three north, of range numbered seven west; making one hundred and sixty acres, more or less, or a quarter-section of land, upon which the town of Marion, the county seat of said county is located, in full satisfaction of the claim of said county, under the provisions of the act entitled, "An act granting to the counties or parishes of State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter-sections of land, for seats of justice within the same," approved twenty-sixth of May, one thousand eight hundred and twenty-four: *Provided*, That said lands, or any part thereof, shall not have been sold by the United States prior to the date of this act.

Aug. 1, 1842.
Vol. 6, p. 846.

Right of pre-emption granted to Johnson County.

Part of act of March 3, 1839, repealed.

Proviso.

No. 1766.—AN ACT granting to the county of Johnson, in the Territory of Iowa, the right of pre-emption to a tract of land for a seat of justice for said county, and repealing the second section of an act approved the third day of March, eighteen hundred and thirty-nine, entitled "An act making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon."

Be it enacted, &c., That the right of pre-emption, at the minimum price for which the public lands are sold, is hereby granted to the county of Johnson, in the Territory of Iowa, for the fractional north-west quarter, east of the river, of section number fifteen, in township seventy-nine, of range six, west of the principal meridian, as reported to the land offices at Dubuque, in said Territory, containing one hundred and seventeen acres and sixty-four one-hundredths of an acre, more or less, on the same terms and conditions expressed in the act of the twenty-sixth day of May, eighteen hundred and twenty-four, entitled "An act granting to the counties and parishes of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter-sections of land for seats of justice within the same;" which said right of pre-emption is in lieu of that to the quarter-section heretofore located by the commissioners of said county, which is relinquished.

SEC. 2. *And be it further enacted*, That so much of the second section of an act entitled "An act making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon," approved the third day of March, eighteen hundred and thirty-nine, as directed the contiguous sections to the section to be selected under said act, for the purpose aforesaid, to be reserved from sale or entry until the further action of Congress thereon, be, and the same is hereby, repealed: *Provided*, That the right of pre-emption shall not accrue to any person or persons who now are or may hereafter settle on said lands under any existing pre-emption law. (a)

(a) See Nos. 1762, 1777.

Aug. 11, 1842.
Vol. 6, p. 854.

Authorized, on surrendering a certain certificate, to enter land.

No. 1767.—AN ACT for the relief of Thomas M. Isett.

Be it enacted, &c., That Thomas M. Isett, or his legal representatives, be, and they are hereby, authorized to enter at any of the land offices in the Territory of Iowa, eighty acres of any of the public lands in said Territory, subject to private entry at the time, in consideration that said Thomas M. Isett shall first surrender to the proper department, to be cancelled, the receipt of the receiver of the land office at Burlington, in

said Territory, for the purchase of the east half of the southwest quarter of section number twenty, in township number seventy-seven, north of range number two west, containing eighty acres, entered by Leander Judson: *Provided*, That said Thomas M. Isett, shall satisfactorily appear to the Secretary of the Treasury to be the holder of said certificate of purchase, by transfer, from said Leander Judson.

Proviso.

No. 1768.—AN ACT to grant pre-emption rights to settlers on the "Dubuque claim" so called, in the Territory of Iowa.

Aug. 16, 1842.
Vol. 5, p. 507.

Be it enacted, &c., That the lands lying in the county of Dubuque, in the Territory of Iowa, heretofore reserved for the Dubuque claim, so called, which have not been sold by the United States, by virtue of the acts of the fourth day of July, one thousand eight hundred and thirty-six, and the third day of March, one thousand eight hundred and thirty-seven, be, and the same are hereby, declared to be public lands, and that settlers on said land, who but for said reservation would have been enabled to enter the same under the pre-emption laws of nineteenth June, one thousand eight hundred and thirty-four, twenty-second June, one thousand eight hundred and thirty-eight, first June, one thousand eight hundred and forty, or fourth September, one thousand eight hundred and forty-one, be, and they are hereby, authorized to enter the same at one dollar and twenty-five cents per acre, at any time within one year after the date of this act, upon complying with the provisions of either of said acts under which such person may claim; the settlers under the earlier law being entitled to the preference over those under a subsequent one: *Provided*, That this section is not to be regarded as extending the right of pre-emption to lands reserved for lead mines, salt springs, school sections, or town lots: *And provided further*, That should the said claim of Dubuque hereafter prove valid, compensation to the claimants shall be made by the United States in other public lands equal in quantity, subject to private entry.

Certain lands reserved for the Dubuque claim, declared to be public lands.

Settlers, &c., may enter said lands.

Preference to settlers under the earliest law.

Proviso.

Proviso.

No. 1769.—AN ACT to authorize the selection of school lands in lieu of those granted to the half-breeds of the Sac and Fox Indians.

Aug. 23, 1842.
Vol. 5, p. 532.

Be it enacted, &c., That the county commissioners of the county of Lee, in the Territory of Iowa, be, and they are hereby, authorized to select, of any of the public lands of the United States subject to private entry within the Iowa Territory, one section for each entire township of land in the "half-breed tract," (a) in said county, and a proportional quantity for each fractional township in said tract, under such rules and regulations as shall be prescribed by the Secretary of the Treasury; which land when selected, shall be subject to the same rules and regulations, respecting school lands, as the sixteenth sections in all the townships of the public lands are subject. (b)

County commissioners of Lee County authorized to make the selection.

Lands selected subject to the same rules as 16th sections.

(a) See Nos. 1755, 1770, 1771.

(b) See Nos. 1668, 1760, 1772, 1775, 1777, 1782.

No. 1770.—AN ACT directing the survey of the northern line of the reservation for the half-breeds of the Sochs [Sacs] and Fox tribes of Indians by the treaty of August one thousand eight hundred and twenty-four.

March 3, 1843.
Vol. 5, p. 622.

Be it enacted, &c., That the chief engineer cause to be surveyed and suitably demarked the northern boundary line of the reservation for the use of the half-breeds of the Soch [Sacs] and Fox tribes of Indians, by the treaty of the fourth of August one thousand eight hundred and twenty-four, beginning at the point, which at the date of said treaty was known and recognised as the northwest corner of the State of Missouri, and running thence due east to the river Mississippi, the section of said line lying between that stream and the river Des Moines being the northern boundary line of said reservation. (a)

Boundary line to be surveyed and suitably demarked.

(a) See Nos. 1755, 1769, 1771.

No. 1771.—AN ACT to repeal an act entitled "An act directing the survey of the northern line of the reservation for the half-breeds of the Sac and Fox tribes of Indians, by the treaty of August, one thousand eight hundred and twenty-four," approved March third, one thousand eight hundred and forty-three.

June 15, 1844.
Vol. 5, p. 668.

Be it enacted, &c., That the act entitled "An act directing the survey of the northern line of the reservation for the half-breeds of the Sac and Fox tribes of Indians, by the treaty of August, one thousand eight

Act of March 3, 1843, repealed.

hundred and twenty-four," approved March third, one thousand eight hundred and forty-three, be, and the same is hereby repealed.

Northern line run by J. S. Sprigg to be northern boundary of reservation.

SEC. 2. *And be it further enacted*, That the northern line of said reservation, as run and marked by Jennifer S. Sprigg, in the years one thousand eight hundred and thirty-two and one thousand eight hundred and thirty-three, under contract with William Clark, superintendent of Indian affairs, be, and the same is hereby, ratified, approved, and established, as the correct northern boundary of said reservation. (a)

(a) See Nos. 1755, 1769, 1770.

June 15, 1844. No. 1772.—AN ACT to authorize the selection of certain school lands in the Territories of Florida, Iowa, and Wisconsin.

[See FLORIDA, No. 1668.]

June 15, 1844. No. 1773.—AN ACT granting to the county of Dubuque, certain lots of ground in the town of Dubuque.

Two and one-half lots granted to the town.

Be it enacted, &c., That the following described pieces or parcels of land are hereby granted and given to the county of Dubuque, in the Territory of Iowa, to wit: Two lots and a half lying and being situate in the town of Dubuque, on the northwest corner of Seventh and Locust streets, in said county, being the same land upon which the old county jail now stands, and is designated on the Government plat of said town as "public square." (a)

Lots may be disposed of by the county commissioners.

SEC. 2. *And be it further enacted*, That the county commissioners of the county of Dubuque be, and they are hereby authorized and empowered to make sale, or otherwise dispose of the lots of land described in the first section of this act, in such manner as will best subserve the interests of said county.

(a) See Nos. 1757, 1758, 1786, 1791, 1813, 1815, 1830.

June 17, 1844. No. 1774.—AN ACT respecting the northern boundary of the State of Missouri.

[See MISSOURI, No. 1068.]

June 17, 1844. No. 1775.—AN ACT for the benefit of James Anderson, of the Territory of Iowa.

Authorized to enter certain land.

Be it enacted, &c., That the said James Anderson be, and he hereby is, permitted to enter, at the minimum price of the public lands, the fractional sixteenth section in township sixty-nine north, range two west, containing two hundred and eighteen acres, and forty-five one-hundredths, in the district of lands subject to entry at Burlington, in the Territory of Iowa.

Other land to be selected for use of schools.

SEC. 2. *And be it further enacted*, That the authority having charge of the said school land, is hereby authorized to select and report to the register and receiver of the district in which said land is situate, other unappropriated lands of the United States subject to private entry in the said Territory, of a similar quantity to that which shall have been entered by said Anderson, for the use of schools for the inhabitants of said township, under such regulations as shall be prescribed by the Commissioner of the General Land Office: *Provided*, The majority of the legal voters of said township sign a petition authorizing the said James Anderson to enter the said fractional section sixteen, in said township, and present the same to the register of the district. (a)

(a) See Nos. 1668, 1760, 1769, 1773, 1777, 1793, 1783.

March 3, 1845. No. 1776.—AN ACT for the admission of the States of Iowa and Florida into the Union.

Preamble.

Whereas, the people of the Territory of Iowa did, on the seventh day of October, eighteen hundred and forty-four, by a convention of delegates called and assembled for that purpose, form for themselves a constitution and State government; and whereas, the people of the Territory of Florida did, in like manner, by their delegates, on the eleventh day of January, eighteen hundred and thirty-nine, form for themselves a constitution and State government, both of which said constitutions

are Republican; and said conventions having asked the admission of their respective Territories into the Union as States, on equal footing with the original States:

Be it enacted, &c., That the States of Iowa and Florida be, and the same are hereby, declared to be States of the United States of America, and are hereby admitted into the Union on equal footing with the original States, in all respects whatsoever. Iowa and Florida declared to be States, on an equal footing with the original States.

SEC. 2. *And be it further enacted,* That the following shall be the boundaries of the said State of Iowa, to wit: Beginning at the mouth of the Des Moines River, at the middle of the Mississippi, thence by the middle of the channel of that river to a parallel of latitude passing through the mouth of the Mankato, or Blue-Earth River, thence west along the said parallel of latitude to a point where it is intersected by a meridian line, seventeen degrees and thirty minutes west of the meridian of Washington City, thence due south to the northern boundary line of the State of Missouri, thence eastwardly following that boundary to the point at which the same intersects the Des Moines River, thence by the middle of the channel of that river to the place of beginning. Boundaries of Iowa.

SEC. 5. *And be it further enacted,* That said State of Florida shall embrace the Territories of East and West Florida, which by the treaty of amity, settlement and limits between the United States and Spain, on the twenty-second day of February, eighteen hundred and nineteen, were ceded to the United States. Boundaries of Florida.

SEC. 7. *And be it further enacted,* That said States of Iowa and Florida are admitted into the Union on the express condition that they shall never interfere with the primary disposal of the public lands lying within them, nor levy any tax on the same whilst remaining the property of the United States: *Provided,* That the ordinance of the convention that formed the constitution of Iowa, and which is appended to the said constitution, shall not be deemed or taken to have any effect or validity, or to be recognised as in any manner obligatory upon the Government of the United States. (a) Iowa and Florida not to interfere with, or tax the public lands. Ordinance of the convention of Iowa not obligatory on United States.

(a) See Nos. 1068, 1759, 1761, 1763, 1774, 1779, 1785, 1787, 1788.

No. 1777.—AN ACT supplemental to the act for the admission of the States of Iowa and Florida into the Union.

March 3, 1845.
Vol. 5, p. 789.

Be it enacted, &c., That the laws of the United States, which are not locally inapplicable, shall have the same force and effect within the State of Iowa as elsewhere within the United States. Application of United States laws to Iowa.

SEC. 6. *And be it further enacted,* That in lieu of the propositions submitted to the Congress of the United States, by an ordinance passed on the first day of November, eighteen hundred and forty-four, by the convention of delegates at Iowa City, assembled for the purpose of making a constitution for the State of Iowa, which are hereby rejected, the following propositions be, and the same are hereby, offered to the legislature of the State of Iowa, for their acceptance or rejection; which, if accepted, under the authority conferred on the said legislature, by the convention which framed the constitution of the said State, shall be obligatory upon the United States: Propositions to be submitted to the Legislature of Iowa.

First. That section numbered sixteen in every township of the public lands, and, where such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of schools. (a) Grant of lands for the use of schools.

Second. That the seventy-two sections of land set apart and reserved for the use and support of a university, by an act of Congress approved on the twentieth day of July, eighteen hundred and forty, entitled "An act granting two townships of land for the use of a university in the Territory of Iowa," are hereby granted and conveyed to the State, to be appropriated solely to the use and support of such university, in such manner as the legislature may prescribe. (b) Grant of lands for the use of a university.

Third. That five entire sections of land, to be selected and located under the direction of the legislature, in legal divisions of not less than one quarter-section, from any of the unappropriated lands belonging to the United States within the said State, are hereby granted to the State for the purpose of completing the public buildings of the said State, or Grant of lands for completing the public buildings.

- for the erection of public buildings at the seat of government of the said State, as the legislature may determine and direct. (c)
- Salt springs granted to the State.** Fourth. That all salt springs within the State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to the said State for its use; the same to be selected by the legislature thereof, within one year after the admission of said State, and the same, when so selected, to be used on such terms, conditions, and regulations, as the legislature of the State shall direct:
- Proviso.** *Provided*, That no salt spring, the right whereof is now vested in any individual or individuals, or which may hereafter be confirmed or adjudged to any individual or individuals, shall, by this section, be granted to said State: *And provided, also*, That the general assembly shall never lease or sell the same, at any one time, for a longer period than ten years, without the consent of Congress. (d)
- Five per cent. of net proceeds of public lands appropriated for roads and canals.** Fifth. That five per cent. of the net proceeds of sales of all public lands lying within the said State, which have been, or shall be sold by Congress, from and after the admission of said State, after deducting all the expenses incident to the same, shall be appropriated for making public roads and canals within the said State, as the legislature may direct: (e) *Provided*, That the five foregoing propositions herein offered are on the condition that the legislature of the said State, by virtue of the powers conferred upon it by the convention which framed the constitution of the said State, shall provide, by an ordinance, irrevocable without the consent of the United States, that the said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the bona-fide purchasers thereof; and that no tax shall be imposed on lands the property of the United States; and that in no case shall non-resident proprietors be taxed higher than residents; and that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether for State, county, township, or any other purpose, for the term of three years from and after the date of the patents, respectively.
- (a) See Nos. 1668, 1760, 1769, 1773, 1775, 1793.
 (b) See No. 1764.
 (c) See Nos. 1762, 1766.
 (d) See No. 1769.
 (e) See No. 1787.

July 11, 1846. **No. 1778.**—AN ACT to authorize the President of the United States to sell the reserved mineral lands in the States of Illinois and Arkansas, and Territories of Wisconsin and Iowa, supposed to contain lead ore.

[See ILLINOIS, No. 421.]

Aug. 4, 1846. **No. 1779.**—AN ACT to define the boundaries of the State of Iowa, and to repeal so much of the act of the third of March, one thousand eight hundred and forty-five as relates to the boundaries of Iowa.

Boundaries declared.

Be it enacted, &c., That the following shall be, and they are hereby, declared to be the boundaries of the State of Iowa, in lieu of those prescribed by the second section of the act of the third of March, eighteen hundred and forty-five, entitled "An act for the admission of the States of Iowa and Florida into the Union," viz. Beginning in the middle of the main channel of the Mississippi River, at a point due east of the middle of the mouth of the main channel of the Des Moines River; thence up the middle of the main channel of the said Des Moines River, to a point on said river where the northern boundary line of the State of Missouri, as established by the constitution of that State, adopted June twelfth, eighteen hundred and twenty, crosses the said middle of the main channel of the said Des Moines River; thence, westwardly, along the said northern boundary line of the State of Missouri, as established at the time aforesaid, until an extension of said line intersect the middle of the main channel of the Missouri River; thence, up the middle of the main channel of the said Missouri River, to a point opposite the middle of the main channel of the Big Sioux River, according to Nicollet's map; thence, up the main channel of the said Big Sioux River, according to said map, until it is intersected by the parallel of forty-three degrees and thirty minutes north latitude; thence east,

along said parallel of forty-three degrees and thirty minutes, until said parallel intersect the middle of the main channel of the Mississippi River; thence, down the middle of the main channel of said Mississippi River, to the place of beginning.

SEC. 2. *And be it further enacted*, That the question which has heretofore been the subject-matter of controversy and dispute between the State of Missouri and the Territory of Iowa, respecting the precise location of the northern boundary line of the State of Missouri, shall be, and the same is hereby, referred to the Supreme Court of the United States for adjudication and settlement, in accordance with the act of the legislature of Missouri, approved March twenty-five, eighteen hundred and forty-five, and the memorial of the council and house of representatives of the Territory of the Iowa, approved January seventeenth, eighteen hundred and forty-six, by which both parties have agreed to "the commencement and speedy determination of such suit as may be necessary to procure a final decision by the Supreme Court of the United States upon the true location of the northern boundary of that State;" and the said Supreme Court is hereby invested with all the power and authority necessary to the performance of the duty imposed by this section.

Question in controversy between Missouri and Iowa referred to the Supreme Court.

Supreme Court invested with necessary authority.

SEC. 4. *And be it further enacted*, That so much of the act of the third of March, eighteen hundred and forty-five, entitled "An act for the admission of the States of Iowa and Florida into the Union," relating to the said State of Iowa, as is inconsistent with the provisions of this act, be and the same is hereby repealed. (a)

Repeal of so much of the act of 1845 as is inconsistent herewith.

(a) See Nos. 1068, 1759, 1761, 1763, 1774, 1776, 1785, 1787, 1788.

NO. 1780.—AN ACT granting certain lands to the Territory of Iowa, to aid in the improvement of the navigation of the Des Moines River, in said Territory.

Aug. 8, 1846.
Vol. 9, p. 77.

Be it enacted, &c., That there be, and hereby is, granted to the Territory of Iowa, for the purpose of aiding said Territory to improve the navigation of the Des Moines River from its mouth to the Racoon Fork, (so called,) in said Territory, one equal moiety, in alternate sections, of the public lands, (remaining unsold, and not otherwise disposed of, encumbered, or appropriated,) in a strip five miles in width on each side of said river; to be selected within said Territory by an agent or agents to be appointed by the governor thereof, subject to the approval of the Secretary of the Treasury of the United States.

Public lands granted to the Territory of Iowa, for the improvement of the Des Moines River.

SEC. 2. *And be it further enacted*, That the lands hereby granted shall not be conveyed or disposed of by said Territory, nor by any State to be formed out of the same, except as said improvements shall progress; that is, the said Territory or State may sell so much of said lands as shall produce the sum of thirty thousand dollars, and then the sales shall cease, until the governor of said Territory or State shall certify the fact to the President of the United States, that one-half of said sum has been expended upon said improvement, when the said Territory or State may sell and convey a quantity of the residue of said lands, sufficient to replace the amount expended, and thus the sales shall progress as the proceeds thereof shall be expended, and the fact of such expenditure shall be certified as aforesaid.

Not to be conveyed or disposed of, except in certain cases.

SEC. 3. *And be it further enacted*, That the said river Des Moines shall be and forever remain a public highway for the use of the Government of the United States, free from any toll or other charge whatever for any property of the United States, or persons in their service passing through or along the same: *Provided always*, That it shall not be competent for the said Territory or future State of Iowa to dispose of said lands, or any of them, at a price lower than, for the time being, shall be the minimum price of other public lands.

Des Moines River declared a public highway.

Proviso.

SEC. 4. *And be it further enacted*, That whenever the Territory of Iowa shall be admitted into the Union as a State, the lands hereby granted for the above purpose shall be and become the property of said State, for the purpose contemplated in this act, and no other: *Provided*, The legislature of the State of Iowa shall accept the said grant for the said purpose. (a)

Lands to become the property of Iowa on her admission into the Union.

Proviso.

(a) See Nos. 1800, 1801, 1818, 1821, 1825.

Aug. 8, 1846.
Vol. 9, p. 82.

Additional land
district in Iowa
established.

Register and
receiver to be ap-
pointed.

Compensation
and duties.

Lands in that
district to be ex-
posed to sale.

Site of land
office.

No. 1781.—AN ACT to establish an additional land district in Iowa.

Be it enacted, &c., That, for the sale of the public lands in the Territory of Iowa, an additional land district is hereby created, comprising all the lands lying between the line dividing townships seventy-five and seventy-six north, and the line dividing townships eighty-three and eighty-four north, which shall be called the Iowa district.

SEC. 2. *And be it further enacted,* That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver of the public moneys for the said district, who shall respectively be required to reside at the site of said office, and who shall have the same powers, perform the same duties, and be entitled to the same compensation, as are or may be prescribed by law in relation to other land offices of the United States. (a)

SEC. 3. *And be it further enacted,* That the President is authorized to cause the public lands in the said district, with the exemption of sections numbered sixteen in each township, reserved for the use of schools, or such other lands as may be selected by law in lieu thereof, and of such other tracts as he may select for military or other purposes, to be exposed to sale in the same manner and upon the same terms and conditions as the other public lands of the United States. (b)

SEC. 4. *And be it further enacted,* That the President is hereby authorized to designate the site at which the said office shall be established, and to remove the same to any other place within said district, whenever, in his opinion, it may be deemed expedient.

(a) See Nos. 1760, 1790, 1793.

(b) See Nos. 1757, 1758, 1760, 1790, 1793, 1794, 1798, 1803, 1804, 1806.

Aug. 8, 1846.
Vol. 9, p. 667.

John G. Mc-
Cloud permitted
to enter a quar-
ter-section of
land.

Authority hav-
ing charge of
school land to re-
port to register
and receiver.

No. 1782.—AN ACT for the relief of John G. McCloud, of Linn County, Iowa.

Be it enacted, &c., That John G. McCloud be, and he is hereby, permitted to enter, within one year from the date of the passage of this bill, at the proper land office, at the minimum price of the public lands, the northwest quarter of the northeast quarter of section number sixteen, in township eighty-three north, of range seven west, containing forty acres.

SEC. 2. *And be it further enacted,* That the authority having charge of the said school land is hereby authorized to select, and report to the register and receiver of the district in which said land is situate, other unappropriated lands of the United States subject to private entry in the said Territory, of a similar quantity to that which shall have been entered by said John G. McCloud, for the use of schools for the inhabitants of said township, under such regulations as shall be prescribed by the Secretary of the Treasury: *Provided,* That two-thirds of the legal voters (including such females as may be heads of families) of said township sign a petition consenting that the said John G. McCloud may enter the before-mentioned forty-acre tract of land, and cause the same to be presented to the register of the proper district. (a)

(a) See Nos. 1668, 1760, 1769, 1772, 1775, 1777.

Aug. 8, 1846.
Vol. 9, p. 671.

Entry of land,
made by the ad-
ministrator of
James Anderson,
confirmed.

Proviso.

No. 1783.—AN ACT to confirm an entry of land made by the administrator of James Anderson, deceased, of Iowa Territory.

Be it enacted, &c., That the entry of fractional section sixteen, in township number sixty-nine north, of range number two west, in the Des Moines land district, in the Territory of Iowa, made by the administrator of the estate of the late James Anderson, deceased, of Iowa Territory, under the provisions of an act of Congress for the relief of said Anderson, approved seventeenth June, eighteen hundred and forty-four, be, and the same is hereby, confirmed and allowed: *Provided, nevertheless,* That the consent of two-thirds of the legal voters in said township shall be first obtained thereto. (a)

(a) See No. 1775.

Aug. 8, 1846.
Vol. 9, p. 674.

Authorities of
the county of
Polk authorized
to enter quarter-
section of land for
a seat of justice.

No. 1784.—AN ACT to authorize the constituted authorities of the county of Polk, in the Territory of Iowa, to enter a quarter-section of land for a seat of justice.

Be it enacted, &c., That the constituted authorities of the county of Polk, in the Territory of Iowa, be, and are hereby, authorized to enter, by legal subdivisions, the quarter-section of land upon which Fort Des Moines, in the Territory of Iowa, is situated, upon paying to the proper register and receiver therefor one dollar and a quarter per acre: *Provided,* That the seat of justice of said county is located on said tract of land.

No. 1785.—AN ACT for the admission of the State of Iowa into the Union.

Dec. 28, 1846.

Vol. 9, p. 117.

Preamble.

Whereas the people of the Territory of Iowa did, on the eighteenth day of May, anno Domini eighteen hundred and forty-six, by a convention of delegates called and assembled for that purpose, form for themselves a constitution and State government—which constitution is republican in its character and features—and said convention has asked admission of the said Territory into the Union as a State, on an equal footing with the original States, in obedience to “An act for the admission of the States of Iowa and Florida into the Union,” approved March third, eighteen hundred and forty-five, and “An act to define the boundaries of the State of Iowa, and to repeal so much of the act of the third of March, one thousand eight hundred and forty-five as relates to the boundaries of Iowa,” which said last act was approved August fourth, anno Domini eighteen hundred and forty-six: Therefore—

Be it enacted, &c., That the State of Iowa shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatsoever. Iowa admitted into the Union.

SEC. 2. *And be it further enacted,* That all the provisions of “An act supplemental to the act for the admission of the States of Iowa and Florida into the Union,” approved March third, eighteen hundred and forty-five, be, and the same are hereby declared to continue and remain in full force as applicable to the State of Iowa, as hereby admitted and received into the Union. (a) Former act continued in force.

(a) See Nos. 1068, 1759, 1761, 1763, 1774, 1776, 1779, 1787, 1788.

No. 1786.—AN ACT to authorize the constituted authorities of the city of Dubuque, in the State of Iowa, to enter certain islands between the landings of said city and the main channel of the Mississippi River.

March 3, 1847.

Vol. 9, p. 691.

Be it enacted, &c., That the constituted authorities of the city of Dubuque, in the State of Iowa, be, and they are hereby, authorized, to enter the islands in the Mississippi River, opposite the said city, which are fractions within sections nineteen and thirty, in township eighty-nine north, in range three east, and in section twenty-five, township eighty-nine north, range two east, at the minimum price of the public lands: *Provided,* Said entries shall be made within six months from the passage of this act. (a) Authorities of the city of Dubuque authorized to enter certain islands in the Mississippi.

Proviso.

(a) See Nos. 1757, 1758, 1773, 1791, 1813, 1815, 1890.

No. 1787.—AN ACT declaratory of the act for the admission of the State of Iowa into the Union.

March 2, 1849.

Vol. 9, p. 349.

Be it enacted, &c., That by the act entitled “An act for the admission of the State of Iowa into the Union,” approved December twenty-eighth, eighteen hundred and forty-six, (a) the United States assented to the application for the support of common schools, as made in the second section of the tenth article of the constitution of said State, of the five per cent. of the net proceeds of the sales of the public lands within the State of Iowa, (b) and of the five hundred thousand acres of land granted to said State by the act of the fourth of September, eighteen hundred and forty-one; said land to be selected in legal subdivisions of not less than three hundred and twenty acres.

Support of common schools in Iowa.

(a) See Nos. 1068, 1759, 1761, 1763, 1774, 1776, 1779, 1785, 1788.

(b) See No. 1777.

No. 1788.—AN ACT to cause the northern boundary of the State of Iowa to be run and marked.

March 3, 1849.

Vol. 9, p. 410.

Be it enacted, &c., That the surveyor-general of Wisconsin and Iowa, under the direction of the Commissioner of the General Land Office, shall cause the northern boundary line of the State of Iowa to be run and marked, and suitable monuments placed thereon; and the said surveyor-general shall return one copy of said survey to the General Land Office, and another copy to the executive of Iowa, to be deposited in the archives of that State. (a) Northern boundary line of Iowa to be run and marked.

(a) See Nos. 1068, 1759, 1761, 1763, 1774, 1776, 1779, 1785, 1787.

May 27, 1852.
Vol. 10, p. 7.

No. 1789.—AN ACT to relinquish to the State of Iowa the lands reserved for salt springs therein.

Salt Springs and adjoining sections granted to Iowa.

Proviso.

Be it enacted, &c., That the twelve salt springs, and six sections of land adjoining or contiguous thereto, the use of which was granted to the State of Iowa, by the act entitled "An act supplemental to the act for the admission of the States of Iowa and Florida into the Union," approved March third, eighteen hundred and forty-five, shall be, and the same are hereby granted in fee-simple, to the said State of Iowa, to be disposed of, and the proceeds to be applied as the legislature of that State shall direct: *Provided*, That nothing in this act contained shall be so construed as to interfere with the rights of third parties: *And provided further*, That if any of the lands which have been selected by the authorities of the State of Iowa, under the act aforesaid, shall have been legally claimed by preëmption or otherwise, the State shall be authorized to select other lands in lieu thereof. (a)

(a) See No. 1777.

Aug. 2, 1852.
Vol. 10, p. 26.

No. 1790.—AN ACT to create three additional land districts in the State of Iowa.

The Chariton, Northern, and the Missouri River land districts constituted in Iowa.

Be it enacted, &c., That all that portion of the public lands in the State of Iowa, lying west of the range line dividing ranges seventeen and eighteen, and east of the range line dividing ranges thirty-one and thirty-two, and now included in the district of lands subject to sale at Fairfield, shall comprise a new land district, to be called the Chariton district; that so much of the public lands in said State, now included in the Iowa and Dubuque land districts, as lie between the range line dividing ranges sixteen and seventeen, and the range line dividing ranges thirty-three and thirty-four, shall form a new land district, to be called the Northern district; that all that portion of the public lands in said State, now included in the district subject to sale at Fairfield, and lying west of the range line dividing ranges thirty-one and thirty-two, and all that portion of the public lands now included in the districts subject to sale at Iowa City and Dubuque, and lying west of the range line dividing ranges thirty-three and thirty-four, shall form a new land district, to be called the Missouri River district; and that the district of lands subject to sale at Dubuque shall hereafter be bounded on the north by the northern boundary line of the State of Iowa.

Appointment of officers for said districts.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver of the public moneys for each of the said districts, respectively, who shall each be required to reside at the site of the respective office to which they may be appointed, and who shall have the same powers, perform the same duties, and be entitled to the same compensation as are or may be prescribed by law in relation to other land offices of the United States. (a)

Sale of lands in said districts.

SEC. 3. *And be it further enacted*, That the President is authorized to cause the public lands in said districts, respectively, (with the exception of sections numbered sixteen in each township, reserved for the use of schools, or such other lands as may be selected by law in lieu thereof, and of such other tracts as he may select for military or other purposes,) to be exposed to sale in the same manner and upon the same terms and conditions as the other public lands of the United States. (b)

President may establish and alter sites of offices in said districts.

SEC. 4. *And be it further enacted*, That the President is hereby authorized to designate the sites at which each of the several offices shall be established, and to remove the same to any other places within said districts respectively, whenever, in his opinion, it may be deemed expedient.

Sales in other districts confirmed.

SEC. 5. *And be it further enacted*, That any location or sales of land lying in either of the districts hereby created, made by the land officers at Dubuque, Iowa City, or Fairfield, after the passage of this act, and prior to the receipt by them of instructions from the Commissioner of the General Land Office under this act, shall be as good and valid in law as if this act had not been passed.

(a) See Nos. 1760, 1781, 1793.

(b) See Nos. 1757, 1758, 1760, 1781, 1793, 1794, 1798, 1803, 1804, 1806.

No. 1791.—AN ACT for the relief of the town of Belleview, and the cities of Burlington and Dubuque, in the State of Iowa.

Feb. 14, 1853.
Vol. 10, p. 157.

And be it enacted, &c., That there shall be and hereby is granted to the town of Belleview, in Iowa, the land bordering on the Mississippi River, in front of said town, reserved by the act of second July, eighteen hundred and thirty-six, for a public highway, and for other public uses: together with the accretions which may have formed thereto, or in front thereof, to be disposed of in such manner as the corporate authorities of said town may direct. The grant made by this act shall operate as a relinquishment only of the right of the United States in and to said premises, and shall in no manner affect the rights of third persons therein, or to the use thereof, but shall be subject to the same; and on application by a duly authorized agent of the corporate authorities of said town to the Commissioner of the General Land Office, a patent of relinquishment, in accordance with the provisions of this act, shall be issued therefor, as in other cases.

Grant to Belleview, Iowa, of land reserved by act of 1836.

Patent to issue and its effect.

SEC. 2. *And be it further enacted,* That there shall be and hereby is granted to the cities of Burlington and Dubuque, in Iowa, the land bordering on the Mississippi River, in front of said cities, reserved by the act of second July, eighteen hundred and thirty-six, for a public highway, and for other public uses, together with the accretions which may have formed thereto, or in front thereof; to be disposed of in such manner as the corporate authorities of said cities may direct.

Grant to Burlington and Dubuque, Iowa, of land reserved by act of 1836.

SEC. 3. *And be it further enacted,* That the grant made by this act shall operate as a relinquishment only of the right of the United States in and to said premises, and shall in no manner affect the rights of third persons therein, or to the use thereof, but shall be subject to the same; and on application by a duly authorized agent of the corporate authorities of said cities to the Commissioner of the General Land Office, a patent of relinquishment, in accordance with the provisions of this act, shall be issued therefor, as in other cases.

Grant, how to operate.

Patent to issue.

SEC. 4. *And be it further enacted,* That the lot or parcel of land in the city of Dubuque heretofore set apart and used by the authorities of said city as a cemetery or burying-ground, under the act of Congress of the second July, eighteen hundred and thirty-six, entitled "An act for the laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Belleview, Dubuque and Peru, in the county of Dubuque, Territory of Wisconsin, and for other purposes," and the act of the third of March, eighteen hundred and thirty-seven, amendatory thereof, be and the same hereby is granted to the common council of the said city of Dubuque, to make such disposition of the said land included in said cemetery or burying-ground as that common council may deem proper. (a)

Land in Dubuque, Iowa, reserved by act of 1836 and 1837, granted to the city.

(a) See Nos. 1757, 1758, 1773, 1786, 1813, 1815, 1820.

No. 1792.—AN ACT for the benefit of citizens and occupants of the town of Council Bluffs, in Iowa.

April 6, 1854.
Vol. 10, p. 273.

Be it enacted, &c., That the judge of the county court, as such, for the county of Pottawattomie, in the State of Iowa, be, and he is hereby, authorized to enter at the proper land office, by paying therefor, at the rate of one dollar and twenty-five cents the acre, the west half of the southwest quarter of section thirty, the west half of the northwest quarter of section thirty-one, in township number seventy-five, north of range forty-three west; the southeast quarter and the east half of the southwest quarter of section twenty-five, and the northeast quarter and the east half of the northwest quarter of section thirty-six, in township seventy-five, north of range forty-four west, in said State of Iowa, in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of said land and the proceeds of the sales thereof, to be conducted under such rules and regulations as are prescribed by the legislative assembly of the State of Iowa in an act entitled "An act regulating the disposal of lands purchased in trust for town sites," approved January twenty-two, eighteen hundred and fifty-two, or as may hereafter be prescribed by the legislative assembly of said State of Iowa: *Provided,* That any act of said judge, not in conformity to the rules and regulations herein alluded to, shall be void and of none effect: *And provided also,* That nothing herein contained shall affect preëmption or other rights that may have accrued under any other act of Congress.

County judge of Pottawattomie, Iowa, to enter certain lands.

Execution of the above power.

Proviso.

Entry to be made in twelve months; patent to issue. SEC. 2. *And be it further enacted*, That the entry contemplated in this act shall be made within twelve months from the date of the passage hereof, and a patent shall issue for said land as in other cases. (a)

(a) See No. 1831.

March 3, 1855. No. 1793.—AN ACT to change the boundaries of the land districts in the State of Iowa, and for other purposes.

Be it enacted, &c., That all that portion of the public lands in the State of Iowa lying north of township line dividing townships ninety-three and ninety-four, and east of the range line dividing ranges twenty-four and twenty-five, shall constitute a new land district, to be called the Turkey River district. That all that portion of the public lands in said State, now situated in the Northern land district which lies north of the township line dividing townships eighty-five and eighty-six, and not included in the Turkey River and Dubuque districts, shall constitute a new land district, to be called the Fort Dodge district, and the name of the Northern district is hereby changed to, and shall be hereafter called the Fort Des Moines district. That all that portion of the public lands in said State, now lying in the Kanessville district, and situated north of the township line dividing townships eighty-five and eighty-six, shall constitute a new land district, to be called the Sioux River district, and the name of the Kanessville district is hereby changed to, and shall be hereafter called, the Council Bluffs district. That townships eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, and ninety-three, of ranges seventeen and eighteen, are hereby attached to and made a part of the Dubuque land district, and townships sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, and seventy-five, of ranges thirty-two and thirty-three, are hereby attached to and made a part of the Charitan land district.

Register and receiver to be appointed. SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver of the public moneys for each of the districts respectively hereby created, who shall each be required to reside at the site of the respective office to which he may be appointed, and who shall have the same powers, perform the same duties, and be entitled to the same compensation, as are or may be prescribed by law in relation to other land officers of the United States. (a)

Sales of land authorized in said districts, except, &c. SEC. 3. *And be it further enacted*, That the President of the United States is authorized to cause the public lands in said districts respectively, (with the exception of sections numbered sixteen in each township, reserved for the use of schools, or such lands as may be selected by law in lieu thereof, and such other tracts as may be selected for military or other purposes), to be exposed to sale in the same manner and upon the same terms and conditions as the other public lands of the United States. (b)

President may establish and change sites. SEC. 4. *And be it further enacted*, That the President of the United States is hereby authorized to designate the sites at which each of the several offices shall be established, and to remove the same to any other places within said districts respectively, whenever in his opinion it may be deemed expedient.

Acts done at old districts, validity of. SEC. 5. *And be it further enacted*, That any locations or sales of land, in either of the districts of land now subject to sale at Dubuque, Fort Des Moines, or Kanessville, after the passage of this act, and before the receipt, by the land officers respectively, thereof, of instructions from [the] Commissioner of the General Land Office, under this act, shall be as good and valid in law as if this act had not been passed.

(a) See Nos. 1760, 1781, 1790.

(b) See Nos. 1757, 1758, 1760, 1781, 1790, 1794, 1798, 1803, 1804, 1806.

May 15, 1856. No. 1794.—AN ACT making a grant of lands to the State of Iowa, in alternate sections to aid in the construction of certain railroads in said State.

Be it enacted, &c., That there be and is hereby granted to the State of Iowa, for the purpose of aiding in the construction of railroads from Burlington, on the Mississippi River, to a point on the Missouri River near the mouth of the Platte River; from the city of Davenport, via Iowa City and Fort Des Moines, to Council Bluffs; from Lyons City northwesterly to a point of intersection with the main line of the Iowa

Central Air Line Railroad, near Maquoketa, thence on said main line, running as near as practicable to the forty-second parallel across the said State to the Missouri River, from the city of Dubuque to a point on the Missouri River near Sioux City, with a branch from the mouth of the Tete Des Morts to the nearest point on said road, to be completed as soon as the main road is completed to that point, every alternate section of land, designated by odd numbers, for six sections in width on each side of each of said roads. But in case it shall appear that the United States have, when the lines or routes of said roads are definitely fixed, sold any sections, or any parts thereof, granted as aforesaid, or that the right of preëmption has attached to the same, then it shall be lawful for any agent or agents, to be appointed by the governor of said State, to select, subject to the approval of the Secretary to the Interior, from the lands of the United States nearest to the tiers of sections above specified, so much land, in alternate sections, or parts of sections, as shall be equal to such lands as the United States have sold or otherwise appropriated, or to which the rights of preëmption have attached as aforesaid; which lands (thus selected in lieu of those sold and [to] which preëmption rights have attached, as aforesaid, together with the sections, and parts of sections, designated by odd numbers as aforesaid, and appropriated as aforesaid) shall be held by the State of Iowa for the use and purpose aforesaid: *Provided*, That the land to be so located shall, in no case, be further than fifteen miles from the lines of said roads, and selected for and on account of each of said roads: *Provided, further*, That the lands hereby granted for and on account of said roads severally shall be exclusively applied in the construction of that road for and on account of which such lands are hereby granted, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatsoever: *And provided further*, That any and all lands heretofore reserved to the United States, by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be and the same are hereby reserved to the United States from the operation of this act, except so far as it may be found necessary to locate the routes of said railroads through such reserved lands, in which case the right of way only shall be granted, subject to the approval of the President of the United States. (a)

Other lands to be selected in lieu of those sold or pre-empted.

Proviso.

Said lands granted solely for railroad purposes.

Prior reservations excepted, except as to right of way.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which, by such grant, shall remain to the United States within six miles on each side of said roads, shall not be sold for less than double the minimum price of the public lands when sold; nor shall any of said lands become subject to private entry until the same have been first offered at public sale at the increased price. (b)

Price of the alternate sections.

SEC. 3. *And be it further enacted*, That the said lands hereby granted to the said State shall be subject to the disposal of the legislature thereof, for the purposes aforesaid, and no other; and the said railroads shall be and remain public highways for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States.

Lands granted solely for the above purposes.

Railroads to be public highways, free from toll.

SEC. 4. *And be it further enacted*, That the lands hereby granted to said State shall be disposed of by said State only in manner following: that is to say, that a quantity of land not exceeding one hundred and twenty sections for each of said roads, and included within a continuous length of twenty miles of each of said roads, may be sold; and when the governor of said State shall certify to the Secretary of the Interior that any twenty continuous miles of any of said roads is completed, then another quantity of land hereby granted, not to exceed one hundred and twenty sections for each of said roads having twenty continuous miles completed as aforesaid, and included within a continuous length of twenty miles of each of such roads, may be sold, and so from time to time until said roads are completed; and if any of said roads are not completed within ten years, no further sale shall be made, and the lands unsold shall revert to the United States. (a)

How said lands shall be disposed of.

SEC. 5. *And be it further enacted*, That the United States mail shall be transported over said roads, under the direction of the Post Office Department, at such price as Congress may by law direct: *Provided*, That until such price is fixed by law, the Postmaster-General shall have the power to determine the same.

Transportation of the mails on said railroads.

(a) See Nos. 1801, 1803, 1804, 1807, 1808, 1809, 1810, 1813, 1814, 1817, 1823, 1824, 1828.

(b) See Nos. 1757, 1758, 1760, 1781, 1790, 1793, 1796, 1803, 1804, 1806.

July 30, 1856.
Vol. 11, p. 453.

No. 1795.—AN ACT to authorize the entry of certain lands in the State of Iowa by Mrs. Caroline Newington.

Mrs. Caroline Newington authorized to enter certain lands in Iowa within six months.

Be it enacted, &c., That Mrs. Caroline Newington be and she is hereby authorized to enter, at the proper land office, in the State of Iowa, the east half of section seven and the west half of section eight, in township ninety-six north of range nine west, situated in the State of Iowa, upon payment to the receiver of the proper land office one dollar and twenty-five cents per acre: *Provided*, That said entry shall be made within six months after the passage of this act.

Feb. 16, 1857.
Vol. 11, p. 494.

No. 1796.—AN ACT for the relief of Martin Millett, of Iowa.

Pre-emption entry of Martin Millett confirmed.

Be it enacted, &c., That the pre-emption entry number twenty-nine thousand three hundred and forty, in the name of Martin Millett, which was allowed at the Dubuque land office, on the twenty-first February, eighteen hundred and fifty-five, and which includes the west half northeast quarter and east half northwest fractional quarter of section number eighteen, in township number ninety north, of range number six west, be and the same is hereby confirmed, and the Commissioner of the General Land Office is directed to cause a patent to be issued thereon.

May 11, 1858.
Vol. 11, p. 287.

No. 1797.—AN ACT for the relief of the Hungarian settlers upon certain tracts of land in Iowa, hitherto reserved from sale by order of the President, dated January twenty-two, eighteen hundred and fifty-five,

Right of pre-emption extended to all Hungarian settlers on certain land.

Be it enacted, &c., That the right of pre-emption be, and the same hereby is, extended to all Hungarian settlers on that body of land reserved from sale or location by order of the President of the United States, dated January twenty-second, eighteen hundred and fifty-five, said lands being known and described as follows: northeast quarter of northwest quarter of section ten, township sixty-seven, range twenty-six; east half of southeast quarter of section eleven, township sixty-seven, range twenty-six; east half of northeast quarter of section fourteen, township sixty-seven, range twenty-six; southwest quarter of southeast quarter of section fourteen, township sixty-seven, range twenty-six; east half of northeast quarter of section twenty-two, township sixty-seven, range twenty-six; southeast quarter of northeast quarter of section twenty-three, township sixty-seven, range twenty-six; west half of northeast quarter of section twenty-three, township sixty-seven, range twenty-six; west half of northwest quarter of section twenty-three, township sixty-seven, range twenty-six; north half of northeast quarter of section five, township sixty-eight, range twenty-six; east half of northwest quarter of section five, township sixty-eight, range twenty-six; east half of northeast quarter of section six, township sixty-nine, range twenty-six; northeast quarter of northwest quarter of section six, township sixty-nine, range twenty-six; southwest quarter of northwest quarter of section six, township sixty-nine, range twenty-six; southeast quarter of section six, township sixty-nine, range twenty-six; west half of southwest quarter of section six, township sixty-nine, range twenty-six; northeast quarter of section seven, township sixty-nine, range twenty-six; northwest quarter of section seven, township sixty-nine, range twenty-six; southwest quarter of southeast quarter of section thirty-two, township sixty-nine, range twenty-six; northeast quarter of section one, township sixty-eight, range twenty-seven; northwest quarter of section one, township sixty-eight, range twenty-seven; northeast quarter of section two, township sixty-eight, range twenty-seven; northwest quarter of northeast quarter of section one, township sixty-nine, range twenty-seven; northeast quarter of southeast quarter of section one, township sixty-nine, range twenty-seven; southeast quarter of southeast quarter of section one, township sixty-nine, range twenty-seven; northeast quarter of northeast quarter of section twelve, township sixty-nine, range twenty-seven; northeast quarter of northeast quarter of section thirty-six, township seventy, range twenty-seven; west half of northeast quarter of section thirty-six, township seventy, range twenty-seven; northwest quarter of section thirty-six, township seventy, range twenty-seven; west half of southeast quarter of section thirty-

six, township seventy, range twenty-seven; north half of southwest quarter of section thirty-six, township seventy, range twenty-seven.

SEC. 2. *And be it further enacted,* That all such Hungarians entitled to the right of preemption to the above-described lands by this act, who may have gone on to said lands prior to January twenty-second, eighteen hundred and fifty-five, or since that time, and have continued to inhabit and improve the same, shall hold their claims, not exceeding one hundred and sixty acres to each preëmtor, against any other subsequent claimants whatever: *Provided further,* That said claimants under settlement and cultivation made prior to January twenty-second, eighteen hundred and fifty-five, or prior to the passage of this act, shall make known their claims in writing to the register at Chariton within three months from the date of publication in said district, of notice to said claimants, of the privileges granted hereby, to be given by the Commissioner of the General Land Office; and in all cases proof and payment must be made at the land office aforesaid, within twelve months from the date of publication of notice aforesaid.

Rights as against subsequent claimants.

Proviso.

Time for making known claims and for proof and payment.

No. 1798.—AN ACT for the relief of certain settlers in the State of Iowa.

June 7, 1860.
Vol. 12, p. 28.

Be it enacted, &c., That the east half of section eight, section seventeen, and the east half of section eighteen, and section thirty-three, section thirty-four, the southwest quarter of section twenty-seven and the southeast quarter of section twenty-eight, in township ninety-six north, of range nine west, in the State of Iowa, formerly reserved for Fort Atkinson and an Indian agency, and since released and abandoned, as being no longer needed for public uses, shall be, and the same are hereby declared to be, subject to the ordinary disposition of the public lands, in the same manner and on the same conditions as are provided by law, and that such persons as may have settled thereon prior to the passage of this act, and who would have been entitled to the right of preemption under the act of September four, eighteen hundred and forty-one, had the reservation not been made, shall be entitled to preëmt their claims in accordance with the provisions of said act, by making proof, payment, and entry at the proper district office, within twelve months after its approval: *Provided,* That if two or more of such persons were actually residing upon the same quarter section, or any smaller legal subdivision, at the date of the abandonment of said reservation, the same may be entered by them jointly: *Provided further,* That no declaratory statement shall be required of said settlers. (a)

Lands heretofore reserved for Fort Atkinson and an Indian agency, made subject to the ordinary disposition of the public lands.

Proviso.

(a) See Nos. 1757, 1758, 1760, 1781, 1790, 1793, 1794, 1803, 1804, 1806.

No. 1799.—AN ACT for the relief of Solomon Wadsworth.

June 16, 1860.
Vol. 12, p. 660.

Be it enacted, &c., That the title of Solomon Wadsworth, of Clayton County, in the State of Iowa, be, and the same is hereby, confirmed to lots numbers two and three, in section number fifteen, in township number ninety-four north, of range three west, containing one hundred and thirty-four acres and eighty-four hundredths of an acre, in said State of Iowa, and that a patent issue therefor, in accordance with the laws of the United States, upon the payment of one dollar and twenty-five cents per acre therefor into the proper land office of the United States.

Land title confirmed and patent to issue to Solomon Wadsworth.

No. 1800.—JOINT RESOLUTION to quiet title to lands in the State of Iowa.

March 2, 1861.
Vol. 12, p. 251.

Resolved, &c., That all the title which the United States still retain in the tracts of land along the Des Moines River, and above the mouth of the Raccoon Fork thereof, in the State of Iowa, which have been certified to said State improperly by the Department of the Interior, as part of the grant by act of Congress approved August eight, eighteen hundred and forty-six, and which is now held by bona-fide purchasers under the State of Iowa, be, and the same is hereby, relinquished to the State of Iowa. (a)

The United States release to Iowa certain land.

(a) See. Nos. 1780, 1801, 1812, 1821, 1823.

July 12, 1862.
Vol. 12, p. 543.

No. 1801.—AN ACT confirming a land claim in the State of Iowa, and for other purposes.

Former grant of lands to Iowa extended.

Lands how to be held.

If any lands have been disposed of, equivalent lands to be given.

Proviso.

Be it enacted, &c., That the grant of lands to the then Territory of the Iowa for the improvement of the Des Moines River, made by the act of August eight, eighteen hundred and forty-six, is hereby extended so as to include the alternate sections (designated by odd numbers) lying within five miles of said river, between the Racoon Fork and the northern boundary of said State; such lands are to be held and applied in accordance with the provisions of the original grant, except that the consent of Congress is hereby given to the application of a portion thereof to aid in the construction of the Keokuk, Fort Des Moines, and Minnesota Railroad, in accordance with the provisions of the act of the general assembly of the State of Iowa, approved March twenty-two, eighteen hundred and fifty-eight. (a) And if any of said lands shall have been sold or otherwise disposed of by the United States before the passage of this act, excepting those released by the United States to the grantees of the State of Iowa under the joint resolution of March second, eighteen hundred and sixty-two, the Secretary of the Interior is hereby directed to set apart an equal amount of lands within said State to be certified in lieu thereof: *Provided,* That if the said State shall have sold and conveyed any portion of the lands lying within the limits of this grant the title of which has proved invalid, any lands which shall be certified to said State in lieu thereof by virtue of the provisions of this act shall inure to, and be held as a trust fund for the benefit of, the person or persons respectively whose titles shall have failed as aforesaid. (b)

(a) See Nos. 1794, 1803, 1804, 1807, 1808, 1809, 1810, 1813, 1814, 1817, 1833, 1834, 1838.
(b) See Nos. 1780, 1800, 1812, 1821, 1823.

May 3, 1864.
Vol. 13, p. 579.

No. 1802.—AN ACT for the relief of Jesse Williams.

Land patent to issue to Jesse Williams.

Proviso.

Be it enacted, &c., That the Commissioner of the General Land Office be directed to issue a patent to Jesse Williams, of Jefferson County, Iowa, for the west half of the northwest quarter of section fifteen, township sixty-seven, north of range fifteen west, in the State of Iowa. *Provided, however,* That no rights acquired by other persons shall be effected by this act.

May 12, 1864.
Vol. 13, p. 72.

No. 1803.—AN ACT for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State.

Land granted to Iowa for a railroad from Sioux City, to south line of State.

For the McGregor Western railroad.

If any lands granted have been before sold, &c., other lands may be selected in lieu thereof.

Be it enacted, &c., That there be, and is hereby, granted to the State of Iowa, for the purpose of aiding in the construction of a railroad from Sioux City, in said State, to the south line of the State of Minnesota, at such point as the said State of Iowa may select between the Big Sioux and the west fork of the Des Moines River; also to said State for the use and benefit of the McGregor Western Railroad Company, for the purpose of aiding in the construction of a railroad from a point at or near the foot of Main street, South McGregor, in said State, in a westerly direction, by the most practicable route, on or near the forty-third parallel of north latitude, until it shall intersect the said road running from Sioux City to the Minnesota State line, in the county of O'Brien, in said State, every alternate section of land designated by odd numbers for ten sections in width on each side of said roads; but, in case it shall appear that the United States have, when the lines or routes of said roads are definitely located, sold any section or any part thereof granted as aforesaid, or that the right of preëmption or homestead settlement has attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior to cause to be selected, for the purposes aforesaid, from the public lands of the United States nearest to the tiers of sections above specified, so much land in alternate sections, or parts of sections, designated by odd numbers, as shall be equal to such lands as the United States have sold, reserved, or otherwise appropriated, or to which the right of homestead settlement or preëmption has attached, as aforesaid, which lands thus indicated by odd numbers and sections, by the direction of the Secretary of the Interior, shall be held by the State of Iowa for the uses and purposes aforesaid: *Provided,* That the lands so

selected shall in no case be located more than twenty miles from the lines of said roads: *Provided, further*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement or other purpose whatever, be, and the same are hereby, reserved and excepted from the operation of this act, except so far as it may be found necessary to locate the routes of said roads through such reserved lands, in which case the right of way shall be granted, subject to the approval of the President of the United States. (a)

Limit of location.

Lands formerly granted, &c., excepted from this act, but right of way may be had.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which by such grant shall remain to the United States within ten miles on each side of said roads shall not be sold for less than double the minimum price of public lands when sold, nor shall any of said lands become subject to sale at private entry until the same shall have been first offered at public sale to the highest bidder at or above the minimum price as aforesaid: *Provided*, That actual bona-fide settlers under the preemption laws of the United States may, after due proof of settlement, improvement, and occupation, as now provided by law, purchase the same at the increased minimum price: *And provided, also*, That settlers under the provisions of the homestead law, who comply with the terms and requirements of said act, shall be entitled to patents for an amount not exceeding eighty acres each, anything in this act to the contrary notwithstanding. (b)

Minimum price of lands not granted.

When subject to sale at private entry.

Proviso.
Actual preemption settlers, and those under the homestead law.

SEC. 3. *And be it further enacted*, That the lands hereby granted shall be subject to the disposal of the legislature of Iowa, for the purposes aforesaid and no other. And the said railroads shall be, and remain, public highways for the use of the Government of the United States, free of all toll or other charges upon the transportation of any property or troops of the United States.

Lands, how to be disposed of, and for what purposes only.

Roads to be public highways.

SEC. 4. *And be it further enacted*, That the lands hereby granted shall be disposed of by said State, for the purpose aforesaid only, and in manner following, namely: When the governor of said State shall certify to the Secretary of the Interior that any section of ten consecutive miles of either of said roads is completed in a good, substantial, and workmanlike manner as a first-class railroad, then the Secretary of the Interior shall issue to the State, patents for one hundred sections of land for the benefit of the road having completed the ten consecutive miles as aforesaid. When the governor of said State shall certify that another section of ten consecutive miles shall have been completed as aforesaid, then the Secretary of the Interior shall issue patents to said State in like manner, for a like number; and when certificates of the completion of additional sections of ten consecutive miles of either of said roads are, from time to time, made as aforesaid, additional sections of lands shall be patented as aforesaid, until said roads, or either of them, are completed, when the whole of the lands hereby granted shall be patented to the State for the uses aforesaid and none other: *Provided*, That if the said McGregor Western Railroad Company, or assigns, shall fail to complete at least twenty miles of its said road during each and every year from the date of its acceptance of the grant provided for in this act, then the State may resume said grant, and so dispose of the same as to secure the completion of a road on said line and upon such terms, within such time as the State shall determine: *Provided, further*, That if the said roads are not completed within ten years from their several acceptance of this grant, the said lands hereby granted and not patented shall revert to the State of Iowa for the purpose of securing the completion of the said roads within such time, not to exceed five years, and upon such terms as the State shall determine: *And provided, further*, That said lands shall not in any manner be disposed of or encumbered, except as the same are patented under the provisions of this act; and should the State fail to complete said roads within five years after the ten years aforesaid, then the said lands undisposed of as aforesaid shall revert to the United States.

Lands, how to be disposed of.

Patents to issue for a hundred sections of land upon completion of ten consecutive miles of road.

McGregor Western Railroad to complete twenty miles of its road annually.

Lands to revert to State unless roads are completed within ten years, &c.

Not to be encumbered, except, &c.

SEC. 5. *And be it further enacted*, That as soon as the governor of said State of Iowa shall file or cause to be filed with the Secretary of the Interior maps designating the routes of said roads, then it shall be the duty of the Secretary of the Interior to withdraw from market the lands embraced within the provisions of this act. (a)

Secretary of Interior to withdraw lands, when, &c.

Mails to be transported. SEC. 6. *And be it further enacted*, That the United States mail shall be transported on said roads and branch, under the direction of the Post-Office Department, at such price as Congress may by law provide: *Provided*, That until such price is fixed by law the Postmaster-General shall have power to fix the rate of compensation.

(a) See Nos. 1794, 1801, 1804, 1807, 1808, 1809, 1810, 1813, 1814, 1817, 1823, 1824, 1828.
(b) See Nos. 1757, 1758, 1760, 1781, 1790, 1793, 1794, 1798, 1804, 1806.

June 2, 1864.
Vol. 13, p. 95.

The Mississippi and Missouri Railroad Company may change location of part of line.

New line to go through Des Moines and Council Bluffs.

And Newton, if, &c.

Company to file map showing location.

Secretary of Interior to certify and convey lands to company.

Limits of sections.
Proviso.

The Burlington and Missouri River Railroad Company to receive lands.

Limits of selections.

NO. 1804.—AN ACT to amend an act entitled "An act making a grant of land[s] to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State," approved May fifteen, eighteen hundred and fifty-six.

Be it enacted, &c., That the Mississippi and Missouri Railroad Company, a corporation established by the laws of the State of Iowa, and to which the said State granted a portion of the land grant mentioned in the title of this act, to aid in the construction of a railroad from Davenport to Council Bluffs in said State, may modify or change the location of the uncompleted portion of its line, as shown by the map thereof now on file in the General Land Office of the United States, so as to secure a better and more expeditious line for connection with the Iowa branch of the Union Pacific Railroad: *Provided, nevertheless*, That said new line, if located, shall in every case pass through the corporate limits of the cities of Des Moines and Council Bluffs; and the right of way over the public lands of the United States is hereby granted to said railroad company for that purpose: *Provided*, That said line shall pass through the town of Newton, in Jasper County or as near said town as may be found practicable, and not further north of said town than the north line of section twenty-two, township eighty north, of range nineteen, according to the United States surveys, if the citizens of the county of Jasper shall first pay to said company the difference in cost, if any, between the line proposed by the company and the one contemplated by this proviso, including extra cost of right of way, if any, said difference in cost to be estimated by competent engineers to be selected by the parties.

SEC. 2. *And be it further enacted*, That whenever such new location shall have been established, the said railroad company shall file in the General Land Office at Washington a map, definitely showing such new location; and the Secretary of the Interior shall cause to be certified and conveyed to said company from time to time, as the road progresses, out of any public lands now belonging to the United States not sold, reserved, or otherwise disposed of, or to which a presumption claim or right of homestead settlement has not attached, and on which a bona-fide settlement and improvement has not been made under color of title derived from the United States or from the State of Iowa, within six miles of such newly located line, an amount of land per mile equal to that originally authorized to be granted to aid in the construction of said road by the act to which this is an amendment; and if the amount of land granted by the original act to aid in the construction of said railroad shall not be found within the limit of six miles from such line, then such selections may be made along such line within twenty miles thereof: *Provided*, That the said company shall not be entitled to, and shall not receive, any land under this grant which is situate within fifteen miles of the line of the Burlington and Missouri River Railroad, as indicated by the map of said road, now on file in the General Land Office.

SEC. 3. *And be it further enacted*, That the Burlington and Missouri River Railroad Company, a corporation organized under the laws of the State of Iowa, and to which said State granted a portion of the land grant mentioned in the title of this act to aid in the construction of a railroad from Burlington in said State to the Missouri River, shall be entitled to receive, and the Secretary of the Interior shall cause to be certified and conveyed to said company from time to time, as the road progresses, out of any public lands now belonging to the United States not sold, reserved, or otherwise disposed of, or to which a presumption claim or right of homestead settlement has not attached, and on which a bona-fide settlement and improvement has not been made under color of title derived from the United States or from the State of Iowa, within six miles of said road, as now located, an amount of land per mile equal to that mentioned in the act to which this is an amendment, as intended to aid in the construction of said road; and if the amount of

land granted by the original act to aid in the construction of said road shall not be found within the limit of six miles from the line of said road, then such selections may be made along such line within twenty miles thereof.

SEC. 4. *And be it further enacted*, That the Cedar Rapids and Missouri River Railroad Company, a corporation established under the laws of the State of Iowa, and to which the said State granted a portion of the land mentioned in the title to this act, may modify or change the location of the uncompleted portion of its line, as shown by the map thereof now on file in the General Land Office of the United States, so as to secure a better and more expeditious line to the Missouri River, and to a connection with the Iowa branch of the Union Pacific Railroad; and for the purpose of facilitating the more immediate construction of a line of railroads across the State of Iowa, to connect with the Iowa branch of the Union Pacific Railroad Company, aforesaid, the said Cedar Rapids and Missouri River Railroad Company is hereby authorized to connect its line by a branch with the line of the Mississippi and Missouri Railroad Company; and the said Cedar Rapids and Missouri River Railroad Company shall be entitled for such modified line to the same lands and to the same amount of lands per mile, and for such connecting branch the same amount of land per mile, as originally granted to aid in the construction of its main line, subject to the conditions and forfeitures mentioned in the original grant, and, for the said purpose, right of way through the public lands of the United States is hereby granted to said company. *And it is further provided*, That whenever said modified main line shall have been established or such connecting line located, the said Cedar Rapids and Missouri River Railroad Company shall file in the General Land Office of the United States a map definitely showing such modified line and such connecting branch aforesaid; and the Secretary of the Interior shall reserve and cause to be certified and conveyed to said company, from time to time, as the work progresses on the main line, out of any public lands now belonging to the United States, not sold, reserved, or otherwise disposed of, or to which a preemption right or right of homestead settlement has not attached, and on which a bona-fide settlement and improvement has not been made under color of title derived from the United States or from the State of Iowa, within fifteen miles of the original main line, an amount of land equal to that originally authorized to be granted to aid in the construction of the said road by the act to which this is an amendment. And if the amount of lands per mile granted, or intended to be granted, by the original act to aid in the construction of said railroad shall not be found within the limits of the fifteen miles therein prescribed, then such selections may be made along said modified line and connecting branch within twenty miles thereof: *Provided, however*, That such new located or modified line shall pass through or near Boonsboro', in Boone County, and intersect the Boyer road. River not further south than a point at or near Dennison, in Crawford County: *And provided, further*, That in case the main line shall be so changed or modified as not to reach the Missouri River at or near the forty-second parallel north latitude, it shall be the duty of said company, within a reasonable time after the completion of its road to the Missouri River, to construct a branch road to some point in Monona County, in or at Onawa City; and to aid in the construction of such branch the same amount of lands per mile are hereby granted as for the main line, and the same shall be reserved and certified in the same manner; said lands to be selected from any of the unappropriated lands as hereinbefore described within twenty miles of said main line and branch; and said company shall file with the Secretary of the Interior a map of the location of the said branch: *And provided, further*, That the lands hereby granted to aid in the construction of the connecting branch aforesaid shall not vest in said company nor be encumbered or disposed of except in the following manner: When the governor of the State of Iowa shall certify to the Secretary of the Interior that said company has completed in good running order a section of twenty consecutive miles of the main line of said road west of Nevada, then the Secretary shall convey to said company one-third, and no more, of the lands granted for said connecting branch. And when said company shall complete an additional section of twenty consecutive miles, and furnish the Secretary of the Interior with proof as aforesaid, then the said Secretary may convey to the said company another third of the lands granted for said connecting branch; and when said company shall complete

The Cedar Rapids and Missouri River Railroad Company may change its location and have lands thereon.

Right of way granted.

Secretary of Interior to convey lands.

Limits of selections.

Of location of road.

Proviso in case the main line is changed.

Map of location to be filed.

Conditions of grant.

Proviso.

Secretary of
Interior to re-
serve certain
lands.

Proviso.

an additional section of twenty miles, making in all sixty miles west of Nevada, the Secretary, upon proof furnished as aforesaid, may convey to the said company the remainder of said lands to aid in the construction of said connecting branch: *Provided, however*, That no lands shall be conveyed to said company on account of said connecting branch road until the governor of the State of Iowa shall certify to the Secretary of the Interior that the same shall have been completed as a first-class railroad. And no land shall be conveyed to said company situate and lying within fifteen miles of the original line of the Mississippi and Missouri Railroad, as laid down on a map on file in the General Land Office: *Provided, further*, That it shall be the duty of the Secretary of the Interior, and he is hereby required, to reserve a quantity of land embraced in the grant described in this section, sufficient, in the opinion of the governor of Iowa, to secure the construction of a branch railroad from the town of Lyons, in the State of Iowa, so as to connect with the main line in or west of the town of Clinton in said State, until the governor of said State shall certify that said branch railroad is completed according to the requirements of the laws of said State: *Provided, further*, That nothing herein contained shall be so construed as to release said company from its obligation to complete the said main line within the time mentioned in the original grant: *Provided, further*, That nothing in this act shall be construed to interfere with, or in any manner, impair any rights acquired by any railroad company named in the act to which this is an amendment, or the rights of any corporation, person or persons, acquired through any such company; nor shall it be construed to impair any vested right of property, but such rights are hereby reserved and confirmed: *Provided, however*, That no lands shall be conveyed to any company or party whatsoever, under the provisions of this act and the act amended by this act, which have been settled upon and improved in good faith by a bona-fide inhabitant, under color of title derived from the United States or from the State of Iowa adverse to the grant made by this act or the act to which this act is an amendment. But each of said companies may select an equal quantity of public lands as described in this act within the distance of twenty miles of the line of each of said roads in lieu of lands thus settled upon and improved by bona-fide inhabitants in good faith under color of title as aforesaid.

Mississippi and
Missouri Rail-
road Company
may assign the
granted lands, if
&c.

SEC. 5. *And be it further enacted*, That the Mississippi and Missouri Railroad Company shall have the right to transfer and assign all or any part of the grant hereby made to said company to any other company, or person or persons, if, in the opinion of said company, the construction of the said railroad across the State of Iowa will be thereby sooner and more satisfactorily completed; but such assignee shall not in any case be released from the liabilities and conditions accompanying this grant, nor acquire perfect title in any other manner than the same would have been acquired by the grantee herein named: *Provided*, That said transfer and assignment shall first be authorized by the governor of the State of Iowa.

Dubuque and
Sioux City Rail-
road Company
may change their
line.

Map to be filed.

SEC. 6. *And be it further enacted*, That the Dubuque and Sioux City Railroad Company may so far change their line between Fort Dodge and Sioux City as to secure the best route between those points; said change shall not impair the right to, nor change the location of, their present land grant. A map of the change shall be filed with the Commissioner of the General Land Office within one year after the passage of this act.

Conditions of
former act to ap-
ply to this, ex-
cept, &c.

SEC. 7. *And be it further enacted*, That all of the conditions and limitations contained in the act to which this act is an amendment, and not expressly changed by this act, shall attach to and run with the grants made by this act, except as the said conditions and limitations have been modified, and may hereafter be modified, by the general assembly of the State of Iowa.

Lands hereby
granted not to be
certified until,
&c.

SEC. 8. *And be it further enacted*, That no lands hereby granted shall be certified to either of said companies until the governor of the State of Iowa shall certify to the Secretary of the Interior that the said company has completed, ready for the rolling-stock, within one year from the first day of July next, a section of not less than twenty miles from the present terminus of the completed portion of said railroad, and in each year thereafter an additional section of twenty miles; but the number of sections per mile originally authorized shall be certified to each company, upon proof as aforesaid of the completion of the additional

sections of the road as aforesaid; and upon the failure of either company to complete either section as aforesaid, to be annually built, the portion of the land remaining uncertified shall become subject to the control and disposition of the legislature of the State of Iowa, to aid in the completion of such road. (a)

SEC. 9. *And be it further enacted*, That all lands hereafter certified to either of the land-grant railroads in said State, and lying opposite any completed section of such road, shall be offered for sale by the company to which they shall be certified within three years from the completion of such section, if then certified; and if not, then within three years from the date of such certificate at reasonable prices; and if not all sold within that period then during the fourth year all such lands remaining unsold shall be exposed to public sale, after previous notice posted at the county seat of the county in which such lands shall be situated, to the highest bidder, and in tracts not exceeding one hundred and sixty acres each. (b)

Lands hereafter certified, to be offered for sale within three years, &c.

When to be exposed to public sale.

(a) See Nos. 1794, 1801, 1803, 1807, 1808, 1809, 1810, 1813, 1814, 1817, 1823, 1824, 1825.

(b) See Nos. 1757, 1758, 1760, 1781, 1790, 1793, 1794, 1798, 1803, 1806.

No. 1805.—JOINT RESOLUTION granting certain privileges to the city of Des Moines, in the State of Iowa.

June 15, 1864.
Vol. 13, p. 408.

Be it resolved, &c., That the United States hereby relinquish to the city of Des Moines, in the State of Iowa, a municipal corporation established under the laws of said State, all their right and interest in the coal-beds underlying the river Des Moines, within the limits of said city: *Provided*, That no disposition or use thereof shall be made which shall obstruct the free navigation of said river; nor shall any one grant of the privilege of mining the same extend for a longer period than ten years.

Rights of the United States to certain coal-beds relinquished to the city of Des Moines.

No. 1806.—AN ACT for the sale of a lot of land in Iowa, in the Fort Crawford reservation.

July 1, 1864.
Vol. 13, p. 334.

Be it enacted, &c., That it shall and may be lawful for the Commissioner of the General Land Office to cause to be sold, after public notice, the tract described as lot numbered one, in township ninety-five north, of range three west of the fifth principal meridian, in the State of Iowa, situated in what is known as the Fort Crawford military reservation, subject to such minimum price per acre as the said Commissioner may establish as fair and reasonable, not less than two dollars and fifty cents per acre; and in the event of said lot not being disposed of at public sale, the Commissioner is hereby authorized to reoffer the same at public sale, or after the second offering to dispose of said lot at such minimum as he may establish, and for the sale so made a patent shall issue as in ordinary cases.

A lot of land in Iowa to be sold.

SEC. 2. *And be it further enacted*, That if it shall appear that there are any other lots in said reserve not disposed of by the United States, it shall and may be lawful for the said Commissioner to dispose of the same in the manner provided in the foregoing section. (a)

Other lots may be sold.

(a) See Nos. 1757, 1758, 1760, 1781, 1790, 1793, 1794, 1798, 1803, 1804.

No. 1807.—AN ACT to regulate the compensation of registers and receivers of the land offices in the several States and Territories, in the location of lands by States and corporations under grants from Congress.

July 1, 1864.
Vol. 13, p. 335.

SEC. 2. *And be it further enacted*, That the Burlington and Missouri River Railroad Company may so far change or modify the location of the uncompleted portion of its line, as shown by the map thereof now on file in the General Land Office of the United States, so as to secure a better and more expeditious route to the terminus of said line on the Missouri River, said new line to be located within the limits of the land grant made by the United States to aid in its construction; and said change shall not impair the right to, nor change the location of, their present land grant. A map of the change shall be filed with the Commissioner of the General Land Office within one year after the passage of this act. (a)

Burlington and Missouri River Railroad may change its location.

(a) See Nos. 1794, 1801, 1803, 1804, 1806, 1809, 1810, 1813, 1814, 1817, 1823, 1824, 1825.

March 3, 1865. No. 1808.—AN ACT extending the time for the completion of certain land-grant
Vol. 13, p. 596. railroads in the States of Minnesota and Iowa, and for other purposes.

Time for com-
pleting certain
roads in Iowa ex-
tended.

SEC. 10. *And be it further enacted*, That the time mentioned in an act entitled "An act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State," for the completion of the railroads named in said act, be, and the same is hereby, extended two years.

Maps of change
of location of
Burlington and
Missouri River
Railroad to be
filed in three
months.

SEC. 11. *And be it further enacted*, That the last clause of the second section of an act entitled "An act to regulate the compensation of registers and receivers of the land offices in the several States and Territories, in the location of lands by States and corporations under general grants from Congress, and for other purposes," be, and the same is hereby, so amended as to read: "A map of the change shall be filed with the Commissioner of the General Land Office within three months after the said change of location shall be made." (a)

(a) See Nos. 1794, 1801, 1803, 1804, 1807, 1808, 1810, 1813, 1814, 1817, 1823, 1824, 1828.

March 3, 1865. No. 1809.—A RESOLUTION to extend the time for constructing the Burlington
Vol. 13, p. 571. and Missouri River Railroad, in Iowa, and filing a map of relocation.

Time for con-
structing Bur-
lington and Mis-
souri River Rail-
road, &c., ex-
tended.

Resolved, &c., That the time allowed by the eighth section of the act entitled "An act to amend an act entitled 'An act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State,' approved May fifteenth, eighteen hundred and fifty-six," for the construction annually of sections of twenty miles each of the Burlington and Missouri River Railroad, be, and the same is hereby, extended one year, and that the provision of the second section of the act approved first of July, eighteen hundred and sixty-four, entitled "An act to regulate the compensation of registers and receivers of the land offices in the several States and Territories in the location of lands by the States and corporations under grants by Congress," which requires that a map of the change of location shall be filed with the Commissioner of the General Land Office within one year, be, and the same is hereby, repealed. (a)

(a) See Nos. 1794, 1801, 1803, 1804, 1807, 1808, 1810, 1813, 1814, 1817, 1823, 1824, 1828.

Feb. 10, 1866. No. 1810.—A RESOLUTION extending the time for the completion of the Burling-
Vol. 14, p. 349. ton and Missouri River Railroad.

Time for com-
pletion of Bur-
lington and Mis-
souri River Rail-
road extended.

Resolved, &c., That in case the Burlington and Missouri River Railroad Company shall complete the section of twenty miles from the present terminus of its road by the first day of December, anno Domini eighteen hundred and sixty-six, and the certificate of the governor shall be filed with the Secretary of the Interior of such completion, then the said company shall be entitled to its lands, due by reason of the completion of said section of twenty miles, as provided in section eight of the act entitled "An act to amend an act entitled 'An act making a grant of land to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State,'" and its rights shall be in all respects the same as if the same section should have been completed on the first day of July next. (a)

(a) See Nos. 1794, 1801, 1803, 1804, 1807, 1808, 1809, 1813, 1814, 1817, 1823, 1824, 1828.

July 23, 1866. No. 1811.—AN ACT making appropriations, &c.
Vol. 14, p. 198. [Office of surveyor-general of Wisconsin and Iowa, when to be abolished. See WISCONSIN, No. 668.]

July 28, 1866. No. 1812.—AN ACT to remove the office of surveyor-general of the States of Iowa
Vol. 14, p. 344. and Wisconsin to Plattsmouth, Nebraska.
[See NEBRASKA, No. 2101.]

March 22, 1867.
Vol. 15, p. 2.
An ordinance
adopted by the
city council of

No. 1813.—AN ACT in relation to a certain tract of land in Burlington, Iowa.
Be it enacted, &c., That a certain ordinance adopted by the city council of the city of Burlington, in the State of Iowa, of date of December tenth, anno Domini, eighteen hundred and sixty-six, entitled "An ordinance devoting Market Square to certain public purposes, and provid-

ing for the location of certain railroad tracks upon certain streets, and Burlington, Iowa, for other purposes," is hereby ratified, approved, and made legal and made legal. valid, so far as relates to said public square; and that said ordinance shall operate to convey to the Burlington and Missouri River Railroad Company (a) all right and interest of the United States in the premises known as Market square, in the said city of Burlington, upon the terms and conditions and for the purposes and uses therein designated, and shall have the same force, operation, and effect as if the fee-simple title to said Market square and streets were owned by said city at the date of said ordinance. (b)

- (a) See Nos. 1794, 1801, 1803, 1804, 1807, 1808, 1809, 1810, 1814, 1817, 1823, 1824, 1828.
(b) See Nos. 1757, 1758, 1773, 1788, 1791, 1815, 1820.

No. 1814.—AN ACT extending the time for the completion of the Dubuque and Sioux City Railroad.

March 2, 1868.
Vol. 15, p. 38.

Be it enacted, &c., That the time for completing a line of railroad from Dubuque to Sioux City, in the State of Iowa, for the construction of which lands were granted in alternate sections to said State by act entitled "An act making a grant of lands to the State of Iowa in alternate sections to aid in the construction of railroads in said State," approved May fifteenth, eighteen hundred and fifty-six, be, and the same is, extended until the first day of January, eighteen hundred and seventy-two, subject to the reverter mentioned in said act at the expiration of the time herein limited: *Provided*, That said road shall be constructed on the most practical route by way of Webster City and Fort Dodge to Sioux City, which route shall be at all points within the limits of said land grant, and the same shall be completed to Fort Dodge on or before the first day of July, eighteen hundred and sixty-nine, and thereafter at the rate of not less than forty miles each year; and the said road shall be constructed, operated, and maintained as one continuous and unbroken line of road from Dubuque to Sioux City; and no lands shall be disposed of, or patented, or certified for said purposes more than forty miles in advance of the point to which said road may be constructed from time to time. (a)

Time for completing the Dubuque and Sioux City Railroad extended.

Route of road.

Rate of completion.

Road to be one continuous and unbroken line.

Limitation to disposal of lands.

- (a) See Nos. 1794, 1801, 1803, 1804, 1807, 1808, 1809, 1810, 1813, 1817, 1823, 1824, 1828.

No. 1815.—AN ACT confirming the title to a tract of land in Burlington, Iowa.

July 4, 1868.
Vol. 15, p. 82.

Be it enacted, &c., That all of the title of the United States in and to a certain tract of land in the city of Burlington, Des Moines County, in the State of Iowa, described as being west of lot number nine hundred and seventy-eight in said city, south of Valley street, west of Boundary street, and north of Market street, and which was originally reserved from sale by the United States and dedicated to public burial purposes, be, and the same is hereby, confirmed to and vested in the "independent school district" of said city, to be forever dedicated to and used by said school district for public school purposes and for no other use or purpose whatever. (a)

Title of the United States to certain land in Burlington, Iowa, confirmed to the "independent school district."

- (a) See Nos. 1757, 1758, 1773, 1788, 1791, 1813, 1820.

No. 1816.—AN ACT for the relief of the grantees of Ann D. Durdling.

July 27, 1868.
Vol. 15, p. 415.

Whereas Ann D. Durdling, by her duly appointed attorney, attempted to locate the northwest quarter of the southwest quarter of section twenty-one, in township ninety-seven north of range six west, in the district of lands subject to sale at Dubuque, Iowa, on the seventh day of November, A. D. eighteen hundred and fifty-one, with bounty-land warrant No. 23525, for forty acres, act of September twenty-eight, eighteen hundred and fifty, but by an error the location was made in township ninety-one north, instead of ninety-seven north, and a patent was issued on said location in township ninety-one north, which patent was destroyed by fire by the burning of the land office at Dubuque; and whereas the tract in township ninety-seven north has been withdrawn from market under the act of Congress approved May twelfth, eighteen hundred and sixty-four, to aid in constructing the McGregor Western Railroad, but has not been taken by or approved to that road at this time; and whereas the tract in township ninety-seven north has

Preamble.

been several times changed, and the said Ann D. Durdling cannot now be found, and the loss of the tract of land to her grantees would result in a great hardship to them: Therefore,
Be it enacted, &c., That the Commissioner of the General Land Office is hereby authorized to cause the records and papers in the case to be corrected, and to issue a patent for the northwest quarter of the southwest quarter of section twenty-one in township ninety-seven north of range six west, Iowa, in the name of Ann D. Durdling.

Patent for land
to issue to Ann
D. Durdling.

April 10, 1869.
Vol. 16, p. 54.

No. 1817.—A RESOLUTION in relation to the Burlington and Missouri River Railroad Branch of the Union Pacific Railroad.

[See NEBRASKA, No. 2112.]

Jan. 20, 1870.
Vol. 16, p. 61.

No. 1818.—AN ACT repealing so much of the act of August eighth, one thousand eight hundred and forty-six, as declared the Des Moines River, in the then Territory of Iowa, a public highway.

Repeal of act
making the Des
Moines River a
public highway.

Be it enacted, &c., That so much of the act of August eighth, one thousand eight hundred and forty-six, entitled "An act granting certain lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River, in said Territory," as makes said river a public highway be, and the same is hereby, repealed. (a)

(a) See Nos. 1780, 1800, 1801, 1891, 1895.

May 6, 1870.
Vol. 16, p. 121.

No. 1819.—AN ACT in relation to the Iowa River in the State of Iowa.

Be it enacted, &c., That so much of the Iowa River, in the State of Iowa, as lies north of the town of Wapello, be, and the same is hereby, declared not a navigable river or public highway.

May 11, 1870.
Vol. 16, p. 638.

No. 1819a.—AN ACT to confirm the title of William M. Garvey to a certain tract of land.

Land title of
William M. Gar-
vey confirmed.

Be it enacted, &c., That the title of William M. Garvey to the east half of the northeast quarter of section eighteen, township sixty-nine north, range twenty-six west, in the district of lands subject to sale at Des Moines, in the State of Iowa, containing eighty acres, be, and is hereby, confirmed, and that the State of Iowa is hereby authorized to select in lieu of said tract an equal amount of land from the unsold public lands within the limits of said State, subject to sale at one dollar and twenty-five cents per acre: (a) *Provided*, that the State of Iowa, through her constituted authorities, shall first relinquish to the United States all right, title, or interest acquired by said State by virtue of the act of Congress of March three, eighteen hundred and fifty-seven, entitled "An act to confirm to the several States the swamp and overflowed lands selected under the act of September twenty-eight, eighteen hundred and fifty, and the act of the second March, eighteen hundred and forty-nine."

(a) See No. 1822.

Feb. 18, 1871.
Vol. 16, p. 418.

No. 1820.—AN ACT relinquishing to the city of Dubuque, Iowa, whatever title may remain in the United States to a certain lot of ground in Dubuque.

Interest of the
United States to
a lot of ground in
Dubuque, Iowa,
granted to that
city.

Be it enacted, &c., That whatever title may remain in the United States to a certain lot or parcel of ground in Dubuque, Iowa, be, and the same is hereby, relinquished to the city of Dubuque and its assignees, which lot or parcel of ground is bounded by the city limits, Main street, and out-lots numbers six hundred and seventy-three, six hundred and seventy-four, six hundred and seventy-seven, and six hundred and seventy-eight, and designated as a "grave-yard," on the official plat of Dubuque, as laid out by the commissioners under the acts of July second, eighteen hundred and thirty-six, and March third, eighteen hundred and thirty-seven. (a)

(a) See Nos. 1757, 1758, 1773, 1786, 1791, 1813, 1815.

March 3, 1871.
Vol. 16, p. 532.

No. 1821.—AN ACT confirming the title to certain lands.

Title to certain
lands certified to
Iowa confirmed.

Be it enacted, &c., That the title to the land certified to the State of Iowa by the Commissioner of the General Land Office of the United States, under an act of Congress entitled "An act confirming a land claim in the State of Iowa, and for other purposes," approved July twelve, eighteen hundred and sixty-two, in accordance with the adjust-

ment made by the authorized agent of the State of Iowa and the Commissioner of the General Land Office, on the twenty-first day of May, anno Domini eighteen hundred and sixty-six, and approved by the Secretary of the Interior on the twenty-second day of May, anno Domini eighteen hundred and sixty-six, and which adjustment was ratified and confirmed by act of the general assembly of the State of Iowa, approved March thirty-one, eighteen hundred and sixty-eight, be, and the same is hereby, ratified and confirmed to the State of Iowa and its grantees in accordance with said adjustment and said act of the general assembly of the State of Iowa: *Provided*, That nothing in this act shall be so construed as to affect adversely any existing legal rights or the rights of any party claiming title or the right to acquire title to any part of said lands under the provisions of the so-called homestead or pre-empted laws of the United States, or claiming any part thereof as swamp lands. (a)

Existing legal rights, &c., not affected.

(a) See Nos. 1780, 1800, 1801, 1818, 1825.

No. 1822.—AN ACT for the relief of Lucas, O'Brien, Dickinson, and other counties in the State of Iowa.

March 5, 1872.
Vol. 17, p. 37.

Be it enacted, &c., That the Commissioner of the General Land Office is hereby authorized and required to receive and examine the selections of swamp lands in Lucas, O'Brien, Dickinson, and such other counties in the State of Iowa as formerly presented their selections to the surveyor-general of the district including that State, and allow or disallow said selections, and indemnity provided for according to the acts of Congress in force touching the same at the time such selections were made, without prejudice to legal entries or the rights of bona-fide settlers under the homestead and pre-emption laws of the United States prior to the date of this act. (a)

Selections of swamp lands in certain counties in Iowa to be received, &c.

(a) See No. 1812a.

No. 1823.—AN ACT for the relief of certain settlers on the public lands in Iowa under the provisions of the homestead laws.

April 25, 1872.
Vol. 17, p. 654.

Be it enacted, &c., That the homestead applications of the following persons, made at the land office at Sioux City, Iowa, to enter, under the provisions of the homestead laws, the following lands designated herein by the number of entry, date, and name of applicant, with description of lands, namely:

Homestead applications of—

Number three thousand six hundred and ninety-five, Antoine Fortuna, Antoine Fortuna, July sixth, eighteen hundred and seventy, southwest quarter of section thirty, township ninety-five, range forty;

Number three thousand six hundred and seventy-eight, William J. Hoare, William J. Hoare, July fifth, eighteen hundred and seventy, northwest quarter of section thirty-four, township ninety-five, range forty;

Number three thousand six hundred and eighty-four, DeWitt Collins, DeWitt Collins, July fifth, eighteen hundred and seventy, northeast quarter of section twenty-two, township ninety-five, range forty;

Number three thousand six hundred and seventy-five, Joshua W. Hoyt, Joshua W. Hoyt, July fifth, eighteen hundred and seventy, southeast quarter of section twenty-two, township ninety-five, range forty;

Number three thousand six hundred and ninety-one, Louis J. McCalla, Louis J. McCalla, July fifth, eighteen hundred and seventy, northeast quarter of section four, township ninety-three, range thirty-nine;

Number three thousand six hundred and eighty-eight, Hiram C. Wheeler, Hiram C. Wheeler, July fifth, eighteen hundred and seventy, northwest quarter of section eight, township ninety-four, range forty;

Number three thousand six hundred and eighty-one, Julius C. Doling, Julius C. Doling, July fifth, eighteen hundred and seventy, southeast quarter of section eighteen, township ninety-four, range forty;

Number three thousand six hundred and sixty-two, Thomas B. Nott, Thomas B. Nott, July first, eighteen hundred and seventy, southwest quarter of section fourteen, township ninety-four, range forty;

Number three thousand six hundred and fifty-eight, T. Edward Sprague, T. Edward Sprague, July first, eighteen hundred and seventy, southwest quarter of section twenty-two, township ninety-four, range forty;

Number three thousand six hundred and sixty-six, William M. Breyfogle, William M. Breyfogle, July first, eighteen hundred and seventy, northwest quarter of section twenty, township ninety-four, range forty;

- Joseph S. Barmore. Number three thousand six hundred and fifty-one, Joseph S. Barmore, June twenty-eighth, eighteen hundred and seventy, southeast quarter of section fourteen, township ninety-four, range forty;
- Horace E. Hoagland. Number three thousand six hundred and seven, Horace E. Hoagland, June twenty-third, eighteen hundred and seventy, southeast quarter of section thirty-six, township ninety-four, range forty;
- Jesse H. Wright. Number three thousand six hundred and fifteen, Jesse H. Wright, June twenty-third, eighteen hundred and seventy, southeast quarter of section ten, township ninety-four, range forty;
- Nathan Miller. Number three thousand six hundred and eighteen, Nathan Miller, June twenty-third, eighteen hundred and seventy, northwest quarter of section four, township ninety-four, range forty;
- Richard H. Wæra. Number three thousand five hundred and fifty-eight and one-half, Richard H. Wæra, June eighteenth, eighteen hundred and seventy, southwest quarter of section twenty-six, township ninety-five, range forty;
- William G. Virgil. Number three thousand five hundred and forty-nine, William G. Virgil, June seventeenth, eighteen hundred and seventy, southeast quarter of section twenty-eight, township ninety-five, range forty;
- Edward Nisson. Number three thousand five hundred and fifty-seven, Edward Nisson, June seventeenth, eighteen hundred and seventy, southeast quarter of section eight, township ninety-four, range thirty-nine;
- Russel M. McLain. Number three thousand four hundred and forty-five, Russell M. McLain, June seventh, eighteen hundred and seventy, north half of northeast quarter and east half of northwest quarter of section two, township ninety-three, range forty;
- George Yored. Number three thousand four hundred and fourteen, George Yored, June third, eighteen hundred and seventy, northwest quarter of section thirty-two, township ninety-four, range thirty-nine;
- Norman S. Toban. Number three thousand three hundred and ninety-six, Norman S. Toban, June first, eighteen hundred and seventy, southeast quarter of section four, township ninety-four, range forty;
- Tracy S. Knapp. Number three thousand four hundred and one, Tracy S. Knapp, June first, eighteen hundred and seventy, southeast quarter of section thirty-two, township ninety-four, range forty;
- Herman Tiffany. Number three thousand six hundred and seventy-six, Herman Tiffany, July fifth, eighteen hundred and seventy, southeast quarter of section thirty-four, township ninety-five, range forty;
- Lavina Davis. Number three thousand six hundred and ninety-two, Lavina Davis, July fifth, eighteen hundred and seventy, west half of southwest quarter of section twenty-six, township ninety-four, range forty;
- Ashel B. Chrysler. Number three thousand six hundred and eighty-nine, Ashel B. Chrysler, July fifth, eighteen hundred and seventy, northeast quarter of section eight, township ninety-four, range forty;
- Ralph Dodge. Number three thousand six hundred and eighty-two, Ralph Dodge, July fifth, eighteen hundred and seventy, northeast quarter of section eighteen, township ninety-four, range forty;
- Granderson Pitzenberger. Number three thousand six hundred and eighty-six, Granderson Pitzenberger, July fifth, eighteen hundred and seventy, southeast quarter of section eight, township ninety-four, range forty;
- Aaron French. Number three thousand six hundred and seventy-nine, Aaron French, July fifth, eighteen hundred and seventy, northeast quarter of section twenty, township ninety-four, range forty;
- Charles L. Ward. Number three thousand six hundred and seventy, Charles L. Ward, July second, eighteen hundred and seventy, northwest quarter of section twelve, township ninety-four, range forty;
- John M. Casey. Number three thousand six hundred and sixty-four, John M. Casey, July first, eighteen hundred and seventy, northeast quarter of section thirty-two, township ninety-five, range forty;
- McAllen Green. Number three thousand six hundred and fifty-four, McAllen Green, July first, eighteen hundred and seventy, southeast quarter of section twenty-six, township ninety-five, range forty;
- Wayland M. Bunce. Number three thousand six hundred and fifty-nine, Wayland M. Bunce, July first, eighteen hundred and seventy, northeast quarter of section twenty-two, township ninety-four, range forty;
- Lemuel C. Boughton. Number three thousand six hundred and fifty-two, Lemuel C. Boughton, June twenty-eighth, eighteen hundred and seventy, northeast quarter of section fourteen, township ninety-four, range forty;
- Charles A. West. Number three thousand six hundred and twenty-seven, Charles A.

West, June twenty-fourth, eighteen hundred and seventy, southwest quarter of section two, township ninety-four, range forty;
 Number three thousand six hundred and thirteen, William H. Wiltse, William H. Wiltse.
 June twenty-third, eighteen hundred and seventy, southwest quarter of section four, township ninety-four, range forty;
 Number three thousand six hundred and four, Edward C. Brown, Edward C. Brown.
 June twenty-third, eighteen hundred and seventy, southwest quarter of section thirty, township ninety-four, range thirty-nine.
 Number three thousand six hundred and sixteen, Joseph Manley, Joseph Manley.
 June twenty-third, eighteen hundred and seventy, southwest quarter of section six, township ninety-four, range forty;
 Number three thousand five hundred and fifty-five, John R. Pumphrey, John R. Pumphrey.
 June seventeenth, eighteen hundred and seventy, northeast quarter of section twenty-four, township ninety-four, range forty;
 Number three thousand four hundred and eighty-one, Daniel Tuttle, Daniel Tuttle.
 June tenth, eighteen hundred and seventy, southwest quarter of section twenty-eight, township ninety-four, range forty;
 Number three thousand four hundred and eighteen, Charles W. Shook, Charles W. Shook.
 June third, eighteen hundred and seventy, northwest quarter of section eighteen, township ninety-four, range thirty-nine;
 Number three thousand four hundred and twelve, Michael O'Neil, Michael O'Neil.
 June third, eighteen hundred and seventy, northeast quarter of section thirty-two, township ninety-four, range thirty-nine;
 Number three thousand three hundred and ninety-seven, Henry C. Sperry, Henry C. Sperry.
 June first, eighteen hundred and seventy, southeast quarter of section two, township ninety-four, range forty;
 Number three thousand six hundred and eighty-seven, Martin D. Wheeler, Martin D. Wheeler.
 July fifth, eighteen hundred and seventy, southwest quarter of section eight, township ninety-four, range forty;
 Number three thousand six hundred and ninety-three, Isaac L. Rerick, Isaac L. Rerick.
 July fifth, eighteen hundred and seventy, west half of northwest quarter of section twenty-eight, township ninety-four, range forty;
 Number three thousand six hundred and ninety, Wylis B. Morse, Wylis B. Morse.
 July fifth, eighteen hundred and seventy, southeast quarter of section twenty-two, township ninety-four, range forty;
 Number three thousand six hundred and eighty-three, Thomas Downing, Thomas Downing.
 July fifth, eighteen hundred and seventy, northwest quarter of section eighteen, township ninety-four, range forty;
 Number three thousand six hundred and eighty, Louis B. French, Louis B. French.
 July fifth, eighteen hundred and seventy, northwest quarter of section twenty-two, township ninety-four, range forty;
 Number three thousand four hundred and thirteen, Albert Burnside, Albert Burnside.
 June third, eighteen hundred and seventy, southwest quarter of section eighteen, township ninety-four, range thirty-nine;
 Number three thousand six hundred and seventy-one, William M. Squires, William M. Squires.
 July second, eighteen hundred and seventy, northeast quarter of section thirty-four, township ninety-five, range forty;
 Number three thousand six hundred and fifty-five, Hugh Waers, Hugh Waers.
 July first, eighteen hundred and seventy, northwest quarter of section twenty-six, township ninety-five, range forty;
 Number three thousand six hundred and sixty-five, Jasper N. Burroughs, Jasper N. Burroughs.
 July first, eighteen hundred and seventy, southeast quarter of section twenty, township ninety-four, range forty;
 Number three thousand six hundred and sixty, Homer Webster, Homer Webster.
 July first, eighteen hundred and seventy, northeast quarter of section two, township ninety-four, range forty;
 Number three thousand six hundred and twenty-eight, Joseph Winslow, Joseph Winslow.
 June twenty-fourth, eighteen hundred and seventy, northwest quarter of section two, township ninety-four, range forty;
 Number three thousand six hundred and five, Henry C. Hoagland, Henry C. Hoagland.
 June twenty-third, eighteen hundred and seventy, southeast quarter of section twenty-six, township ninety-four, range forty;
 Number three thousand six hundred and seventeen, George Rogers, George Rogers.
 June twenty-third, eighteen hundred and seventy, northwest quarter of section ten, township ninety-four, range forty;
 Number three thousand six hundred and fourteen, John B. Judd, John B. Judd.
 June twenty-third, eighteen hundred and seventy, northwest quarter of section six, township ninety-four, range forty;
 Number three thousand five hundred and fifty-six, Charles E. Hill, Charles E. Hill.

June seventeenth, eighteen hundred and seventy, southwest quarter of section twelve, township ninety-four, range thirty-nine;

Joel Riggs. Number three thousand five hundred and thirty-one, Joel Riggs, June eighth, eighteen hundred and seventy, northeast quarter of section four, township ninety-four, range forty;

John Bahan. Number three thousand five hundred and twenty-eight, John Bahan, June fourteenth, eighteen hundred and seventy, southwest quarter of section thirty-two, township ninety-five, range forty;

Thomas J. Alexander. Number three thousand four hundred and twenty-one, Thomas J. Alexander, June third, eighteen hundred and seventy, northwest quarter of section thirty-four, township ninety-four, range forty;

Philip H. Emery. Number three thousand three hundred and ninety-eight, Philip H. Emery, June first, eighteen hundred and seventy, northeast quarter of section ten, township ninety-four, range forty; and

Alanson C. Bean. Number three thousand six hundred and seventy-seven, Alanson C. Bean, July fifth, eighteen hundred and seventy, southwest quarter of section thirty-four, township ninety-five, range forty, be, and the same

Declared valid, are hereby, declared valid and of as full force as if said applications &c. had been made subsequent to July sixth, anno Domini eighteen hundred and seventy, subject to the provisions and limitations of the

Adverse claims not affected. *Provided*, That this act shall not prejudice any adverse claim to any of said lands existing at the times said homestead applications were made: *And provided further*, That no question arising out of any change or proposed change of line of any railroad company, or the limits of its land grant, shall be construed as affected by the passage of this act. (a)

(a) See Nos. 1794, 1801, 1803, 1804, 1807, 1808, 1809, 1810, 1813, 1814, 1817, 1824, 1828.

Jan. 31, 1873.
Vol. 17, p. 421.

No. 1824.—AN ACT to quiet the title to certain lands in the State of Iowa.

Be it enacted, &c., That the title to the lands in the State of Iowa heretofore approved and certified by the Department of the Interior for railroad purposes, to aid in the construction of a railroad from the city of Davenport, via Iowa City, to Council Bluffs, under the grants made by Congress, according to the adjustments thereof made at the General Land Office, be, and the same is hereby, confirmed to the Mississippi and Missouri Railroad Company and the Chicago, Rock Island and Pacific Railroad Company, and their assigns, they being the corporations to whom said lands were certified: *Provided*, That this act shall be construed as conveying only any reversionary or other interest which the United States may have in said lands, and all lands settled upon in good faith and now occupied by homestead or pre-emption settlers shall be excluded from the operations of this act. (a)

(a) See Nos. 1794, 1801, 1803, 1804, 1807, 1808, 1809, 1810, 1813, 1814, 1817, 1823, 1828.

March 3, 1873.
Vol. 17, p. 618.

No. 1825.—AN ACT to authorize the President to ascertain the value of certain lands in the State of Iowa, north of the Racoon Fork of the Des Moines River held by settlers under the pre-emption and homestead laws of the United States.

Commissioners to ascertain the quantity and value of certain lands in Iowa, held by pre-emption and homestead settlers. *Be it enacted, &c.*, That the President of the United States shall be, and he is hereby, authorized to appoint three commissioners, who shall ascertain the number of acres, and by appraisement or otherwise the value thereof exclusive of improvements, of all such lands lying north of Racoon Fork of the Des Moines River, in the State of Iowa, as may now be held by the Des Moines Navigation and Railroad Company, or persons claiming title under it adversely to persons holding said lands, either by entry or under the pre-emption or homestead laws of the United States, and on what terms the adverse holders thereof will relinquish the same to the United States; and that they report the facts at the commencement of the next session of Congress; but nothing herein contained shall be held to affect, in any manner, the question of title to any of said lands. (a)

Report to Congress. Title not affected. Pay of commissioners. SEC. 2. That the compensation of said commissioners shall be eight dollars per diem during the time they shall be engaged in said service.

(a) See Nos. 1780, 1800, 1801, 1818, 1821.

No. 1826.—AN ACT to confirm the title to certain lands on the Fort Kearney military reservation in Fremont County, Iowa.

April 15, 1874.
Vol. 18, p. 539.

Whereas the following described entries at the Council Bluffs land district, in the State of Iowa, were made on lands which had been reserved for military purposes for the use of Fort Kearney, by order of the President of the United States, dated the ninth of April, eighteen hundred and forty-six, and therefore illegal, viz: first, the west half of northwest quarter of section thirty, township sixty-eight north, range forty-three west, by John Boulware, per cash certificate numbered twelve hundred and fifty-six, dated January second, eighteen hundred and fifty-four; secondly, the northwest quarter of southeast quarter of section thirty, township sixty-eight north, range forty-three west, by William C. Fowlkes, per cash certificate numbered twenty-six hundred and ninety, dated June first, eighteen hundred and fifty-four; thirdly, the southeast quarter of northwest quarter and northeast quarter of southwest quarter of section thirty, township sixty-eight, range forty-three west by William C. Fowlkes, per cash certificate numbered eighteen hundred and twenty-nine, dated April thirteenth, eighteen hundred and fifty-four; fourthly, the southeast quarter of southwest quarter of section thirty, township sixty-eight, range forty-three west, by Allen A. Bradford, per cash certificate numbered twenty-six hundred and ninety-one, dated June twenty-first, eighteen hundred and fifty-four; fifthly, lot numbered one of section thirty-one, township sixty-eight, range forty-three west, by William C. Fowlkes, per cash certificate numbered six hundred and twenty-three, dated July twenty-seventh, eighteen hundred and fifty-three; sixthly, lots numbered two, three and four of section thirty-one, township sixty-eight, range forty-three west, by Simeon Hargis, per cash certificate numbered eighteen hundred and thirty, dated April thirteenth, eighteen hundred and fifty-four; seventhly, lot numbered one of section thirty-two, township sixty-eight, range forty-three west, by Simeon Hargis, per cash certificate numbered eighteen hundred and thirty-one, dated April thirteenth, eighteen hundred and fifty-four; eighthly, lot numbered one in section twenty-four, township sixty-eight range forty-four west, by George W. Boulware, per cash certificate numbered nine hundred and thirteen, dated September twenty-sixth, eighteen hundred and fifty-three; ninthly, lots numbered one and two of section twenty-five, township sixty-eight, range forty-four west, by George W. Boulware, per cash certificate numbered nine hundred and twelve, dated September twenty-sixth eighteen hundred and fifty-three; tenthly, lot numbered one of section thirty-six, township sixty-eight, range forty-four west by George W. Boulware, per cash certificate numbered nine hundred and fourteen, dated September twenty-sixth, eighteen hundred and fifty-three; eleventhly, the southeast quarter of section twenty-five, township sixty-eight, range forty-four west, by George W. Boulware, per cash certificate numbered three hundred and four, dated July ninth, eighteen hundred and fifty-three; twelfthly, the west half of southwest quarter of section thirty, township sixty-eight, range forty-three west, selected as swamp land; and

Title confirmed to lands entered in Fort Kearney military reservation by John Boulware, William C. Fowlkes, Allen A. Bradford, Simeon Hargis, George W. Boulware.

Whereas the Secretary of War, by letter under date of the eleventh of March, eighteen hundred and seventy, advised the Secretary of the Interior "that the United States military reservation at Fort Kearney on the Missouri River is no longer required for military purposes;" and

Whereas the register and the receiver at Council Bluffs Iowa, have reported, under date of May twenty-third eighteen hundred and seventy, to the General Land Office, that, due notice having been given to all persons having any interest in the same to appear before them on the eighteenth day of May eighteen hundred and seventy, and show cause why the above named entries should not be confirmed by act of Congress, no adverse claimants appeared before them: Therefore,

Be it enacted, &c., That the said described entries and selections be, and the same are hereby, confirmed; and that patents be authorized to issue for the same as in other cases provided for by law.

No. 1827.—AN ACT for the relief of certain settlers on the public lands in certain portions of the States of Minnesota and Iowa.

June 18, 1874.
Vol. 18, p. 61.

[See MINNESOTA, No. 1910.]

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| June 15, 1878. Vol. 20, p. 133. | No. 1828. —AN ACT to restore certain lands in Iowa to settlement under the homestead law, and for other purposes. |
| Lands with- drawn for Mis- issippi and Mis- souri Railroad to be restored to market. | <i>Be it enacted, &c.,</i> That the Secretary of the Interior be, and he is hereby, directed to restore to settlement under the pre-emption and homestead law, by published notice, all vacant unappropriated lands heretofore withdrawn for the Mississippi and Missouri Railroad, in the State of Iowa, situated more than twenty miles from the amended line of route as located under the act approved June second eighteen hundred and sixty-four, entitled "An act to amend an act making a grant of land to the State of Iowa in alternate sections to aid in the construction of certain railroads in said State," approved May fifteenth, eighteen hundred and fifty-six: <i>Provided</i> , That all actual settlers now residing on said lands shall be permitted to enter not exceeding one hundred and sixty acres for each head of a family or single man over twenty-one years of age, embracing improvements, in preference to any other person, on making proof of such settlement in accordance with rules to be prescribed by the Secretary of the Interior: <i>And provided further</i> , That all actual settlers now residing upon the lands hereinbefore mentioned shall be permitted to make the final proof now required by law, and receive their patents at the expiration of five years from the date of their actual settlement. |
| Actual settlers. Entries by. | |
| Final proof by. | |
| Patents to. | |
| Lands not in- cluded. | SEC. 2. That this act shall not include any lands embraced in the confirmatory act approved January thirty-first, eighteen hundred and seventy-three, entitled "An act to quiet title to certain lands in the State of Iowa." (a) |
| | (a) See Nos. 1794, 1801, 1803, 1804, 1807, 1808, 1809, 1810, 1813, 1814, 1817, 1823, 1824. |
| June 18, 1878. Vol. 20, p. 575. | No. 1829. —AN ACT to confirm the title to the northeast quarter of the northwest quarter of section seven, township eighty-one north, range four east of the fifth principal meridian, Clinton County, Iowa. |
| Preamble. | Whereas John M. Knott presumed that he had applied for and entered from the United States, on the twenty-ninth of February, anno Domini eighteen hundred and forty-eight, the northeast quarter of the northwest quarter of section seven, in township eighty-one north, range four east of the fifth principal meridian, in Clinton County, Iowa; and Whereas said John M. Knott soon thereafter entered into possession and occupancy of said land, and has continued to occupy said land through his grantees to the present; and Whereas said application through mistake described the land as being in range three east, instead of four east; and Whereas the Department of the Interior, under letter dated February nineteenth, anno Domini eighteen hundred and seventy-six, has decided that said land, in range four, is within the limits of the Iowa Central Air Line (now the Cedar Rapids and Missouri River) Railroad, and that the said tract of land inured to said road by virtue of the grant of land to the railroad aforesaid, under the act of Congress approved May fifteenth, anno Domini eighteen hundred and fifty-six; and Whereas the said Cedar Rapids and Missouri River Railroad, by deed dated November seventeenth, anno Domini eighteen hundred and seventy-six, now on file in the General Land Office, has released and surrendered, into the United States, all the right and claim said company now has, or may acquire, to the northeast quarter of the northwest quarter of section seven, township eighty-one north, range four east of the fifth principal meridian, upon the express condition that the United States will issue a patent unto the said John M. Knott for said land last described, to the end that his said grantees may be protected in their rights: therefore, |
| J. M. Knott. | <i>Be it enacted, &c.,</i> That the deed to the United States from the Cedar Rapids and Missouri River Railroad to said land be accepted, and that a patent issue to the said John M. Knott for the same. |
| Land patent to issue to. | |
| Feb. 13, 1879. Vol. 20, p. 596. | No. 1830. —AN ACT for the relief of Jane Clark, Margaret A. Jack, Justina Peterson, and Mary Johanson. |
| Jane Clark. | <i>Be it enacted, &c.,</i> That the Commissioner of the General Land Office be and is hereby authorized and directed to restore the entry of Jane Clark of lots three and four in section two township eighty-eight north range thirty-two west, and the entry of Margaret A. Jack of the west half of the northeast quarter of section twenty, township eighty-nine |
| Margaret A. Jack. | |

north range thirty-one west and the entry of Justina Peterson in her maiden name Justina Anderson of the east half of the southeast quarter of section fourteen township eighty-nine north range thirty-two west and the entry of Mary Johanson of the southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of section eight township eighty-nine north range thirty-two west, all in the State of Iowa, and to approve and carry the same to patent in the usual manner; and that each of said persons shall hold the lands so patented to her with the like exemptions as provided by the homestead laws of the United States: *Provided*, That as to the entries made by virtue of this act, if occupied by the husbands of the said wives, or either of them, shall operate to debar them, and each of them, from making any entry of homestead or pre-emption in their own right.

Justina Peterson.

Mary Johanson.

Restoration of land entries.

Proviso.

No. 1831.—AN AOT to grant to the corporate authorities of the city of Council Bluffs, in the State of Iowa, for public uses, a certain lake or bayou situated near said city.

June 9, 1880.

Vol. 21, p. 171.

Be it enacted, f.c., That there shall be, and is hereby, conveyed to the corporate authorities of the city of Council Bluffs, in the State of Iowa, and their successors in office, the title of the United States to the meandered lake, situated in sections eleven, thirteen, fourteen, fifteen, twenty-two, and twenty-three, in township seventy-five north, range forty-four west of the fifth principal meridian of Iowa, upon the express conditions that the premises shall be held for public use, resort, and recreation; shall be inalienable for all time; but leases not exceeding ten years may be granted for portions of said premises, all incomes derived from leases of privileges to be expended in the preservation and improvement of the property, or the roads leading thereto; the premises to be managed by the said corporate authorities, or such commissioners as they may elect, and who shall receive no compensation for their services. (a)

Certain land granted to corporate authorities for public uses.

(a) See No. 1792.

MINNESOTA.

June 28, 1834. **No. 1832.—AN ACT to attach the territory of the United States west of the Mississippi River, and north of the State of Missouri, to the Territory of Michigan.**
[See MICHIGAN, No. 487.]

March 2, 1849. **No. 1833.—AN ACT for changing the location of the land office in the Chippewa land district, and establishing an additional land district in the State of Wisconsin.**
[See WISCONSIN, No. 630.]

March 3, 1849. **No. 1834.—AN ACT to establish the Territorial government of Minnesota.**
Vol. 2, p. 403.
Be it enacted, &c., That from and after the passage of this act, all that part of the territory of the United States which lies within the following limits, to wit: Beginning in the Mississippi River, at the point where the line of forty-three degrees and thirty minutes of north latitude crosses the same, thence running due west on said line, which is the northern boundary of the State of Iowa, to the northwest corner of the said State of Iowa, thence southerly along the western boundary of said State to the point where said boundary strikes the Missouri River, thence up the middle of the main channel of the Missouri River to the mouth of the White-Earth River, thence up the middle of the main channel of the White-Earth River to the boundary line between the possessions of the United States and Great Britain; thence east and south of east along the boundary line between the possessions of the United States and Great Britain to Lake Superior; thence in a straight line to the northernmost point of the State of Wisconsin in Lake Superior; thence along the western boundary line of said State of Wisconsin to the Mississippi River; thence down the main channel of said river to the place of beginning, be, and the same is hereby, erected into a temporary government by the name of the Territory of Minnesota:
Provided, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States.

SEC. 6. And be it further enacted, That the legislative power of the Territory shall extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws passed by the legislative assembly and governor shall be submitted to the Congress of the United States, and, if disapproved, shall be null and of no effect. (a)

SEC. 18. And be it further enacted, That when the lands in the said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same (b)

(a) See Nos. 487, 1832, 1852, 1857.
(b) See Nos. 1835, 1838, 1842, 1851, 1852, 1855, 1856, 1860, 1863.

No. 1835.—AN ACT to authorize the legislative assemblies of the Territories of Oregon and Minnesota to take charge of the school lands in said Territories, and for other purposes. Feb. 19, 1851. Vol. 9, p. 568.

Be it enacted, &c., That the governors and legislative assemblies of the Territories of Oregon and Minnesota be, and they are hereby, authorized of Oregon and Minnesota to make such laws and needful regulations as they shall deem most expedient to protect from injury and waste sections numbered sixteen and thirty-six in said Territories, reserved in each township for the support of schools therein. (a) authorized to take charge of the school lands therein.

SEC. 2. *And be it further enacted,* That the Secretary of the Interior be, and he is hereby, authorized and directed to set apart and reserve from sale, out of any of the public lands within the Territory of Minnesota to which the Indian title has been or may be extinguished, and not otherwise appropriated, a quantity of land not exceeding two entire townships, for the use and support of a university in said Territory, and for no other use or purpose whatsoever, to be located by legal subdivisions of not less than one entire section. (b) Grant of land for a university in Minnesota.

(a) See Nos. 1834, 1838, 1842, 1851, 1852, 1853, 1854, 1860, 1863.

(b) See Nos. 1852, 1864, 1891.

No. 1836.—AN ACT to reduce and define the boundaries of the military reserve at the Saint Peter's River, in the Territory of Minnesota. Aug. 26, 1852. Vol. 10, p. 36.

Be it enacted, &c., That the Secretary of War be, and he is hereby required to cause the lines of the present military reserve at Fort Snelling, in the Territory of Minnesota, to be so contracted as to embrace the following boundaries, to wit:— Boundaries of the military reserve at Fort Snelling in Minnesota reduced and defined.

Beginning at the middle of the channel of the Mississippi River below Pike's Island: thence ascending along the channel of said river in such a direction as to include all the islands of the river, to the mouth of Brown's Creek; thence up said Creek to Rice Lake; thence through the middle of Rice Lake to the outlet of Lake Amelia; thence through said outlet and the middle of Lake Amelia, to the outlet of Mother Lake; thence through said outlet and the middle of Mother Lake, to the outlet of Duck Lake; thence through said outlet and the middle of Duck Lake, to the southern extremity of Duck Lake; thence in a line due south to the middle of the channel of the Saint Peter's River; thence down said river so as to include all the islands to the middle of the channel of the Mississippi River; reserving further, for military purposes, a quarter-section on the right bank of the St. Peter's River, at the present ferry; and also a quarter-section on the left bank of the Mississippi River, at the present ferry across that stream. Land reserved therefrom.

SEC. 2. *And be it further enacted,* That the Commissioner of the General Land Office be, and he is hereby required to cause to be surveyed as soon as practicable, so much of the lands heretofore included in the military reserve aforesaid, but without the limits of the said military reserve aforesaid, as defined by this act, as have not already been surveyed, (a) and to cause the same, together with such of said lands as have been so surveyed, with the exceptions hereinafter set forth, to be sold at public sale, under the direction of the President of the United States. (b) The remainder of said reserve to be surveyed and sold.

SEC. 3. *And be it further enacted,* That the land on which the establishment of the Fur Company is situated, known as Mendota, with the settlements immediately around the same, not exceeding three hundred and twenty acres, be, and the same is hereby reserved from sale during the term of one year after the lands surrounding the same shall be offered for sale; and the proper authorities are hereby authorized at any time during said year, to enter the same for a town site, agreeably to and in accordance with the terms and conditions of "An act for the relief of the citizens of towns upon the lands of the United States under certain circumstances," approved May twenty-third eighteen hundred and forty-four. Mendota and adjacent settlements reserved from sale, and authorized to be entered as a town site.

SEC. 4. *And be it further enacted,* That the lands comprised within the limits of said reserve, be, and the same are hereby annexed to and made a part of the Chippewa land district, in said Territory of Minnesota. (c) Said lands made a part of the Chippewa land district.

(a) See Nos. 1841, 1854, 1860, 1873, 1892.

(b) See Nos. 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1871, 1873, 1874, 1875, 1879, 1880, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1909, 1917.

(c) See Nos. 630, 1833, 1837, 1839, 1849, 1850, 1858, 1864, 1865, 1897, 1899.

Aug. 30, 1832. No. 1837.—AN ACT to create an additional land office in the Territory of Minnesota.
Vol. 10, p. 40.

Sank River land district, in Minnesota, constituted. *Be it enacted, &c.,* That so much of the public lands of the United States, in the Territory of Minnesota, east of the Mississippi River, and west of the range line between ranges twenty-seven and twenty-eight west, and that portion west of the Mississippi River in said Territory, lying north of the nearest township line where the above-mentioned range line intersects the east bank of the Mississippi River, be formed into a land district, to be called the Sank River district; the land office for which shall be located at such point as the President may direct, and shall be removed from time to time, to other points within said district, whenever in his opinion it may be expedient.

Location of the land office. *SEC. 2. And be it further enacted,* That the President be and he is hereby authorized to appoint, by and with the advice and consent of the Senate, a register and receiver for said district, who shall respectively be required to reside at the site of said office, and who shall have the same powers, perform the same duties, and be entitled to the same compensation, as are or may be prescribed by law in relation to other land offices of the United States. And in case it shall be found necessary or expedient to establish said district during the recess of Congress, the President shall be, and he is hereby, authorized to appoint the necessary officers during such recess, and until the end of the next session of the Senate of the United States. (a)

(a) See Nos. 630, 1833, 1836, 1839, 1849, 1850, 1858, 1864, 1865, 1897, 1899.

March 3, 1853. No. 1838.—AN ACT to appropriate lands for the support of schools in certain townships and fractional townships in the Territory of Minnesota, not before provided for.
Vol. 10, p. 257.

School lands in Minnesota. *Be it enacted, &c.,* That in those townships and fractional townships in the Territory of Minnesota where sections numbered sixteen and thirty-six, or either of them, directed to be reserved for school purposes by the eighteenth section of the act approved third of March, one thousand eight hundred and forty-nine, entitled "An act to establish the Territorial government of Minnesota," shall be found fractional in quantity, and in those or fractional townships where no section sixteen or thirty-six shall be found therein, there shall be reserved and appropriated other land for such school purposes, to make up, in the first case, the deficiency in the quantity of said fractional sections sixteen and thirty-six, or either of them, and to give, in the second case, an equivalent for the loss of either or both said sections: *Provided,* That the mode and manner of selection and approval in both cases, and the quantity selected in the second case, shall be in accordance with the principles settled by the act approved twentieth [of] May, eighteen hundred and twenty-six, entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for." (a)

Proviso.

(a) See Nos. 1834, 1835, 1842, 1851, 1852, 1855, 1856, 1860, 1863.

April 12, 1854. No. 1839.—AN ACT to establish additional land districts in the Territory of Minnesota.
Vol. 10, p. 274.

Four additional land districts created for sale of public lands. *Be it enacted, &c.,* That, for the sale of the public lands to which the Indian title has been extinguished by the recent treaties, or which may hereafter be extinguished within their limits in the Minnesota Territory west of the Mississippi River, there is hereby created four additional land districts, bounded as follows, to wit: All that portion situated between the northern boundary of the State of Iowa, and the line which divides townships one hundred and five and one hundred and six of the fifth principal meridian, and extending from the Mississippi to the Big Sioux rivers, shall comprise one of said districts, to be called the Root River district. All that portion lying between the township line last mentioned, and the line dividing townships one hundred and ten, and one hundred and eleven, and between said rivers, shall constitute another of said districts, to be called the Winona district. All that portion situated north of the district last mentioned, and south of the line which divides townships one hundred and fifteen, and one hundred and sixteen, and between the rivers above mentioned, except the townships recently surveyed west of the Mississippi River from the

Root River district.

Winona district.

fourth principal meridian, to include the reservation at Fort Snelling, (the whole of which townships shall be attached to and constitute a part of the Minneapolis district,) shall constitute a third district to be designated the Red Wing district; and all that portion situated north of the limits last described, south of the line dividing townships one hundred and twenty and one hundred and twenty-one, between the Mississippi River and the treaty line which runs from the Big Sioux River to Lake Travers, together with all the fractional townships one hundred and twenty-one situated east of the range line dividing ranges twenty-four and twenty-five west, shall comprise the fourth district, to be known as the Minneapolis district. And all the residuary portion of said lands situated north of the line which divides townships one hundred and twenty and one hundred and twenty-one, and west of range twenty-four west of the fifth principal meridian, and west of the Mississippi River, extending to the Drift-Wood and the Red River of the North, shall be, and is hereby attached to the district of lands subject to sale at Sauk Rapids.

Red Wing district.

Minneapolis district.

Lands subject to sale at Sauk Rapids.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and receiver of the public moneys for each of the said new districts hereby created, who shall respectively be required to reside at the site of their offices, and who shall have the same powers, perform the same duties, and be entitled to the same compensation, as are or may be prescribed by law in relation to other land officers of the United States. (a)

President to appoint a register and receiver for each district.

Powers, duties, and compensation.

SEC. 3. *And be it further enacted*, That the President is authorized to cause the public lands in said districts, with the exception of such as have been or may be reserved for other purposes, to be exposed to sale in the same manner and upon the same terms and conditions as the other public lands of the United States. (b)

Public lands in said districts, except, &c., to be exposed to sale.

SEC. 4. *And be it further enacted*, That the President is hereby authorized to designate the location of the offices for said new districts, and change the same whenever in his opinion the public good shall require it. (a)

President authorized to remove said land offices.

(a) See Nos. 630, 1833, 1836, 1837, 1849, 1850, 1856, 1884, 1885, 1897, 1899.

(b) See Nos. 1836, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1871, 1873, 1874, 1875, 1879, 1880, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1909, 1917.

No. 1840.—AN ACT to aid the Territory of Minnesota in the construction of a railroad therein.

June 29, 1854.
Vol. 10, p. 302.

Be it enacted, &c., That there be, and is, hereby granted to the Territory of Minnesota for the purpose of aiding in the construction of a railroad from the southern line of said Territory, commencing at a point between township ranges nine and seventeen, thence by the way of St. Paul, by the most practicable route to the eastern line of said Territory in the direction of Lake Superior, every alternate section of land designated by odd numbers for six sections in width on each side of said road within said Territory, but in case it shall appear that the United States have, when the line of said road is definitely fixed by the authority aforesaid, sold any section or any part thereof granted as aforesaid, or that the right of presumption has attached to the same, then it shall be lawful for any agent or agents to be appointed by the governor of said Territory, subject to the approval of the Secretary of the Interior, to select from the lands of the United States nearest to the tier of sections above specified, so much land in alternate sections or parts of sections, as shall be equal to such lands as the United States have sold, or to which the right of presumption has attached as aforesaid, which lands (thus selected in lieu of those sold, and to which presumption has attached as aforesaid, together with the sections or parts of sections designated by odd numbers as aforesaid, and appropriated as aforesaid) shall be held by the Territory of Minnesota for the use and purpose aforesaid: *Provided*, That the lands to be so located shall in no case be further than fifteen miles from the line of the road in each case, and selected for and on account of said road: *Provided further*, That the lands hereby granted shall be exclusively applied in the construction of that road for which it was granted and selected, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatever; *And provided further*, That any and all lands heretofore reserved to the United States

Alternate sections of land granted for a railroad.

When other sections may be taken in lieu of the alternate ones.

proviso.

Further proviso.

Further proviso.

by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby reserved to the United States from the operation of this act, except so far as it may be found necessary to locate the route of said railroad through such reserved lands, in which case the right of way only shall be granted, subject to the approval of the President of the United States. (a)

Price of lands remaining to the United States.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land, which by such grants shall remain to the United States, within six miles on each side of said road, shall not be sold for less than double the minimum price. (b)

Lands granted to be used only for the purposes aforesaid.

SEC. 3. *And be it further enacted*, That the said lands hereby granted to the said Territory shall be subject to the disposal of any legislature thereof, for the purpose aforesaid and no other, nor shall they enure to the benefit of any company heretofore constituted and organized, and the said railroad shall be and remain a public highway for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States, nor shall any of said lands become subject to private entry until the same shall have been first offered at public sale at the increased price.

Railroads to be free for use of Government of United States.

When subject to private entry.

Manner in which said lands are to be disposed of by said Territory.

SEC. 4. *And be it further enacted*, That the lands hereby granted to said Territory, shall be disposed of by said Territory only in manner following, that is to say, no title shall vest in the said Territory of Minnesota, nor shall any patent issue for any part of the lands hereinbefore mentioned, until a continuous length of twenty miles of said road shall be completed through the lands hereby granted, and when the Secretary of the Interior shall be satisfied that any twenty miles of said road are completed, then a patent shall issue for a quantity of land not exceeding one hundred and twenty sections, and included within a continuous length of twenty miles of said road, and so from time to time, patents shall be issued in like manner upon the completion of each additional twenty miles of said road until it shall be completed, and if said road is not completed within ten years, no further sale shall be made, and the land unsold shall revert to the United States. (a)

If road not completed in ten years, land unsold reverts to United States.

Transportation of United States mail.

SEC. 5. *And be it further enacted*, That the United States mail shall be transported at all times on said railroad under the direction of the Post-Office Department at such price as Congress may by law direct: *Provided*, That until such price is fixed by law, the Postmaster-General shall have the power to determine the same.

Price for same.

(a) See Nos. 1244, 1253, 1265, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1281, 1282, 1286, 1289, 1292, 1296, 1299, 1306, 1311, 1315, 1317.

(b) See Nos. 1234, 1239, 1241, 1245, 1247, 1250, 1253, 1256, 1266, 1268, 1269, 1271, 1273, 1274, 1275, 1279, 1280, 1287, 1290, 1295, 1298, 1300, 1301, 1304, 1305, 1309, 1317.

July 17, 1854.
Vol. 10, p. 304.

No. 1841.—AN ACT to authorize the President of the United States to cause to be surveyed the tract of land in the Territory of Minnesota, belonging to the half-breeds or mixed-bloods of the Dacotah or Sioux nation of Indians, and for other purposes.

Authority to exchange lands on West side of Lake Pepin and Mississippi River.

Be it enacted, &c., That the President be, and he is hereby, authorized, to exchange with the half-breeds or mixed-bloods of the Dacotah or Sioux nation of Indians, who are entitled to an interest therein, for the tract of land lying on the west side of Lake Pepin and the Mississippi River, in the Territory of Minnesota, which was set apart and granted for their use and benefit, by the ninth article of the treaty of Prairie du Chien, of the fifteenth day of July, one thousand eight hundred and thirty; and for that purpose he is hereby authorized to cause to be issued to said persons, on the execution by them, or by the legal representatives of such as may be minors, of a full and complete relinquishment by them to the United States of all their right, title, and interest, according to such form as shall be prescribed by the Commissioner of the General Land Office, in and to said tract of land or reservation, certificates or scrip for the same amount of land to which each individual would be entitled in case of a division of the said grant or reservation pro rata among the claimants — which said certificates or scrip may be located upon any of the lands within said reservation not now occupied by actual and bona-fide settlers of the half-breeds or mixed-bloods, or such other persons as have gone into said Territory by authority of law, or upon any other unoccupied lands subject to pre-emption or private sale, or upon any other unsurveyed lands not reserved by Govern-

ment, upon which they have respectively made improvements: *Provided*, That said certificates or scrip shall not embrace more than six hundred and forty, nor less than forty acres each, and provided that the same shall be equally apportioned, as nearly as practicable, among those entitled to an interest in said reservation: *And provided further*, That no transfer or conveyance of any of said certificates or scrip shall be valid. (a) Proviso.
Further proviso.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby authorized, to cause to be ascertained the number and names of the half-breeds or mixed-bloods who are entitled to participate in the benefits of the said grant or reservation as aforesaid, before the issue of the certificates or scrip provided for in the preceding section. When certificates or scrip to issue.

SEC. 3. *And be it further enacted*, That from and after the passage of this act, the President is authorized to have the lands within the said reserve surveyed (b) and exposed to public sale at the land offices for the districts in which said lands may lie, according to the boundaries of the several land districts recently established by Congress, in the same manner as other public lands. (c) Lands to be surveyed; how exposed to sale.

(a) See Nos. 1843, 1848, 1850.

(b) See Nos. 1836, 1854, 1869, 1873, 1892.

(c) See Nos. 1836, 1839, 1840, 1845, 1847, 1850, 1853, 1856, 1866, 1869, 1871, 1873, 1874, 1875, 1879, 1880, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1909, 1917.

No. 1842.—AN ACT authorizing a patent to be issued to Peter Poncin for certain lands therein described.

July 27, 1854.
Vol. 10, p. 798.

Be it enacted, &c., That the entry by Peter Poncin, of the north half of the southeast quarter, and the south half of the northeast quarter of section thirty-six, in township number twenty-nine, of range twenty-three, in the Stillwater land district, Minnesota, cancelled by the Commissioner of the General Land Office, be, and the same is hereby, allowed, and reinstated as of the date of said entry, so that the title to said lands may enure to the benefit of his grantees as far as he may have conveyed the same: *Provided*, That the money paid for said lands shall not have been withdrawn, or if withdrawn, shall be again paid at said land offices, and that thereupon a patent shall issue in the name of said Peter Poncin for said lands. Peter Poncin's entry of land, which was canceled, to be so reinstated as to give title to his grantees.
Proviso.
Patent to issue.

SEC. 2. *And be it further enacted*, That the superintendent of public schools in said Territory of Minnesota be, and he is hereby, authorized to select other lands in lieu of said section thirty-six, as far as the same have been granted or sold. (a) Certain other lands to be selected for public schools.

(a) See Nos. 1834, 1835, 1838, 1851, 1852, 1855, 1856, 1860, 1863.

No. 1843.—AN ACT making appropriations, &c.

July 31, 1854.
Vol. 10, p. 328.

Be it enacted, &c., That the President be authorized to confirm to the Sioux of Minnesota, forever, the reserve on the Minnesota River now occupied by them, upon such conditions as he may deem just. And further, that it be agreed between the United States and the Sioux bands of Indians, that should it, at any time hereafter, be considered by the United States as a proper policy to establish farms among and for the benefit of said Indians, it shall be discretionary with the President, by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof, into a fund for that purpose. A reserve confirmed to the Sioux of Minnesota.

SEC. 4. *And be it further enacted*, That the President be, and he is hereby, authorized and required to cause to be fulfilled the stipulations of the ninth and tenth articles of the treaty with the Sacs and Foxes, and other tribes of Indians, concluded on the fifteenth of July, one thousand eight hundred and thirty, by causing said reserved tracts to be surveyed and allotted to the persons properly entitled to the same, in fee-simple, in such manner and under such rules and regulations as he may prescribe; and to defray the expenses of the same, there be, and is hereby, appropriated the sum of ten thousand nine hundred and twenty-two dollars and twenty-nine cents. (a) Reservations of Sioux half-breeds in Minnesota, and half-breeds of other tribes in Nebraska, to be surveyed and allotted in fee-simple.

[NOTE.—Articles 9 and 10 of the treaty mentioned in this act provide for a reservation for Sioux half-breeds in Minnesota, and for Omahas and other half-breeds in Nebraska, vol 7, p. 330.]

(a) See Nos. 1841, 1848, 1852.

Aug. 4, 1854.
Vol. 10, p. 575.

Act of 1854,
granting land to
Minnesota for
railroads, re-
pealed.

No. 1844.—AN ACT for the relief of Thomas Bronaugh, and for the repeal of the "Act to aid the Territory of Minnesota in the construction of a railroad therein," approved the twenty-ninth June, eighteen hundred and fifty-four.

SEC. 2. *And be it further enacted*, That the bill entitled "An act to aid the Territory of Minnesota in the construction of a railroad therein," which passed the House of Representatives on the twentieth day of June, eighteen hundred and fifty-four, and which was approved by the President of the United States on the twenty-ninth day of June, eighteen hundred and fifty-four, be, and the same is hereby, repealed. (a)

(a) See Nos. 1840, 1853, 1865, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1881, 1882, 1886, 1889, 1892, 1896, 1902, 1906, 1911, 1915, 1917.

Aug. 4, 1854.
Vol. 10, p. 578.

Pre-emption
rights in Minne-
sota.

No. 1845.—AN ACT to extend the right of pre-emption over unsurveyed lands in Minnesota, and for other purposes.

Be it enacted, &c., That the provisions of the pre-emption act of fourth September, eighteen hundred and forty-one, and the acts amendatory thereof, shall be extended to the lands in Minnesota Territory, whether surveyed or not; but in all cases where pre-emption is claimed on unsurveyed lands the settler shall file his declaratory statement within three months after the survey has been made and returned, and make proof and payment before the day appointed by the President's proclamation for the commencement of the sale of the lands, including the tract claimed: *Provided, however*, That if, when said lands are surveyed, it is found that two or more persons have settled upon the same quarter-section, each shall be permitted to enter his improvement, as near as may be, by legal subdivisions. (a)

(a) See Nos. 1836, 1839, 1840, 1841, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1871, 1873, 1874, 1875, 1879, 1880, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1909, 1917.

Dec. 19, 1854.
Vol. 10, p. 598.

Negotiations
authorized to ex-
tinguish Chippewa
titles in Wis-
consin and Min-
nesota.

Terms of treat-
ies authorised.

No. 1846.—AN ACT to provide for the extinguishment of the title of the Chippewa Indians to the lands owned and claimed by them in the Territory of Minnesota, and State of Wisconsin, and for their domestication and civilization.

Be it enacted, &c., That the President be, and he is hereby, authorized to cause negotiations to be entered into with the Chippewa Indians, for the extinguishment of their title to all the lands owned and claimed by them in the Territory of Minnesota and State of Wisconsin, which treaties shall contain the following provisions, and such others as may be requisite and proper to carry the same into effect:—

First. Granting to each head of a family, in fee-simple, a reservation of eighty acres of land, to be selected in the territory ceded, so soon as surveys shall be completed, by those entitled, which said reservations shall be patented by the President of the United States, and the patent therefor shall expressly declare that the said lands shall not be alienated or leased by the reservees, or their heirs and legal representatives, until otherwise ordered by Congress, and no change of location shall be made without the assent of the President of the United States.

Second. The annuities to which said Indians are entitled, under existing treaties, with the consent of said Indians, together with such as may be allowed them for the cession, or cessions, under the provisions of this act, shall be equally distributed and paid them at their villages, or settlements, within the limits of the ceded territory; but the President shall be invested with power to cause said annuities to be commuted, from time to time, for such articles of goods, provisions, stock, cattle, implements of agriculture, the clearing and fencing of land, and the erection of buildings and other improvements, as, in his discretion, will conduce most to promote their comfort, civilization, and permanent welfare.

Third. All the benefits and privileges granted to said Indians shall be extended to and enjoyed by the mixed-bloods belonging to or connected with the tribe, and who shall permanently reside on the ceded lands.

Fourth. The laws of the United States and the Territory of Minnesota shall be extended over the Chippewa territory in Minnesota whenever the same may be ceded, and the same shall cease to be "Indian country," except that the lands reserved to said Indians, or other property owned by them, shall be exempt from taxation and execution; and that the act passed thirtieth June, eighteen hundred and

thirty-four, "to regulate trade and intercourse with the Indian tribes," etc., be inoperative over the said ceded territory, except the twentieth section, which prohibits the introduction and sale of spirituous liquors to Indians.

Fifth. The President shall have power to prescribe and enforce such rules and regulations, not inconsistent with the foregoing provisions, as he may deem necessary for the effectual execution of the purposes of this act, which said rules and regulations shall be annually reported to Congress.

SEC. 2. *And be it further enacted*, That, for the purpose of defraying the expenses of said negotiations, the sum of ten thousand dollars be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated. Appropriation.

No. 1847.—AN ACT to amend the act approved twenty-sixth August, eighteen hundred and fifty-two, entitled "An act to reduce and define the boundaries of the military reserve at Saint Peter's River, in the Territory of Minnesota," and for other purposes. March 2, 1855.
Vol. 10, p. 687.

Be it enacted &c., That the act approved twenty-sixth August, eighteen hundred and fifty-two, "to reduce and define the boundaries of the military reserve at Saint Peter's River, in the Territory of Minnesota," shall be, and the same is hereby, amended, so that the lands authorized to be sold at public sale by that act shall be subject to the operations of the laws regulating the sale and disposition of the public lands: *Provided, however*, That where any of said lands are claimed by preemption, under settlement and cultivation made prior to the passage of this act, proof and payment shall be made within three months for its passage; and where any of said lands come within the provisions of the act of twenty-third May, eighteen hundred and forty-four for the relief of the citizens of towns upon the lands of the United States, under certain circumstances, such proof and payments shall also be made within three months after the passage of this act; and in either case, if the entries are not made within that time, the claim shall be forfeited: *Provided, further*, That where two or more persons are settled upon the same legal subdivision, they shall be permitted to enter it jointly,—the right of each to be in proportion to the extent of his improvements. (a) Sale of the lands in the military reserve at St. Peter's.
Pre-emption in the same.

SEC. 2. *And be it further enacted*, That the Reverend E. G. Gear shall be, and he is hereby, authorized to enter lots numbers one and two and the west half of the northeast quarter of section four, township twenty-eight north, of range twenty-four west, of the fourth principal meridian, in the Minneapolis district, at one dollar and twenty-five cents per acre. E. G. Gear authorized to enter certain land in the Minneapolis district.

(a) See Nos. 1836, 1839, 1840, 1841, 1845, 1850, 1853, 1856, 1866, 1868, 1869, 1873, 1874, 1875, 1879, 1886, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1908, 1917

No. 1848.—AN ACT making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, one thousand eight hundred and fifty-six, and for other purposes. March 3, 1855.
Vol. 10, p. 686.

SEC. 2. *And be it further enacted*, That section four of "Act making appropriations for the current and contingent expense, the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, one thousand eight hundred and fifty-five, and for other purposes," approved the first July, eighteen hundred and fifty-four, shall not be so construed as to interfere with an act entitled, "An act to authorize the President of the United States to cause to be surveyed, the tract of land in the Territory of Minnesota, belonging to the half-breeds or mixed bloods of the Dacotah or Sioux nation of Indians, and for other purposes," approved July seventeen, eighteen hundred and fifty: *Provided*, That so much of the money appropriated by the last-named act, as may be necessary to carry out the last-named act, shall be applicable thereto. (a) Act of 1851 not to interfere with act respecting survey and sale of Sioux lands.

(a) See Nos. 1841, 1843, 1859.

July 8, 1856.
Vol. 11, p. 36.

No. 1849.—AN ACT to explain the act approved twelfth April, eighteen hundred and fifty-four, entitled "An act to establish additional land districts in the Territory of Minnesota."

Certain islands included in description of land districts.

Be it enacted, &c., That the words "west of the Mississippi River," employed in the description in the first section of the act of twelfth April, eighteen hundred and fifty-four, entitled "An act to establish additional land districts in the Territory of Minnesota," shall be construed so as to embrace all the islands lying west of the middle of the main channel of said river, in the new districts created west of the same by said act (a)

(a) See No. 630, 1833, 1836, 1837, 1839, 1850, 1858, 1864, 1865, 1897, 1899.

July 8, 1856.
Vol. 11, p. 38.

No. 1850.—AN ACT to establish two additional land districts in the Territory of Minnesota.

Two additional land districts established.

Be it enacted, &c., That all that portion of the Territory of Minnesota which lies north of the line dividing townships forty-five and forty-six, north of the base line east of the Mississippi River, and north of the nearest township line, to be determined hereafter by the Commissioner of the General Land Office, west of said river, extending thence west to the Missouri River, be, and the same is hereby divided into and shall constitute two additional land districts, to wit: All that portion lying east of the line dividing ranges eighteen and nineteen west of the fourth principal meridian shall constitute a land district, to be called the Northeastern land district; and all that portion west of the line dividing said ranges eighteen and nineteen shall constitute an additional land district in said Territory, to be called the Northwestern land district, the location of the offices for which shall be designated by the President of the United States, and shall by him from time to time be changed as the public interests may seem to require.

Officers for said districts.

SEC. 2. *And be it further enacted,* That the President be, and he is hereby authorized, whenever in his judgment the public interest shall require, to appoint, by and with the advice and consent of the Senate, or during the recess thereof, and until the end of the next session of Congress after such appointment, a register and a receiver for each or either of the districts hereby created, who shall respectively be required to reside at the site of their offices, have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties, which may be prescribed by law, in relation to other land offices of the United States. (a)

Sale of lands therein.

SEC. 3. *And be it further enacted,* That the President is authorized to cause the public lands in said districts, with the exception of such as have been reserved for other purposes, to be exposed to sale, in the same manner and upon the same terms and conditions as other public land of the United States. (b)

Appropriation for surveys.

SEC. 4. *And be it further enacted,* That for the survey, at augmented rates, of median, standard parallel, township, and section lines, in the districts hereby created, the sum of forty thousand dollars be and the same is hereby appropriated.

(a) See Nos. 1833, 1836, 1837, 1839, 1849, 1858, 1864, 1865, 1897, 1899.

(b) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1853, 1856, 1866, 1868, 1869, 1871, 1873, 1874, 1875, 1880, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1906, 1917.

Aug. 11, 1856.
Vol. 11, p. 460.

No. 1851.—AN ACT for the relief of Benjamin La Fonte, William Altenburg, and others.

Benjamin La Fonte, William Altenburg, William Davern, and Louis Larivie, authorized to enter certain lands in Stillwater district, Minnesota, at the usual price.

Be it enacted, &c., That Benjamin La Fonte be, and he is hereby, authorized to enter the north half of northeast quarter of section thirty-six, township twenty-nine, north, range twenty-three west; that William Altenburg be, and he is hereby, authorized to enter the southeast quarter of section thirty-six, in township twenty-seven, of range twenty-one west; that William Davern be, and he is hereby, authorized to enter the southeast quarter of section number sixteen, in township twenty-eight north, of range number twenty-three west; that Louis Larivie be, and he is hereby, authorized to enter the northwest quarter of the southwest quarter, and lots number one and two of section sixteen, in township twenty-nine north, of range twenty-two west, (all of said lands being in the Stillwater land district, Minnesota Territory.)

upon payment by said Benjamin La Fonte, William Altenburg, William Davern, and Louis Laravie of the usual minimum of one dollar and twenty-five cents per acre; and the Commissioner of the General Land Office is directed to issue patents on said entries.

SEC. 2. *And be it further enacted*, That the superintendent of public schools in the Territory of Minnesota is hereby authorized to select, in equal amounts, other lands in said Territory for the use of public schools in lieu of the lands herein granted. (a)

Other school lands to be selected in lieu of the above.

(a) See Nos. 1834, 1835, 1838, 1842, 1852, 1853, 1855, 1856, 1860, 1863.

NO. 1852.—AN ACT to authorize the people of the Territory of Minnesota to form a constitution and State government, preparatory to their admission into the Union on an equal footing with the original States.

Feb. 26, 1857.
Vol. 11, p. 166.

Be it enacted, &c., That the inhabitants of that portion of the Territory of Minnesota which is embraced within the following limits, to wit: Beginning at the point in the centre of the main channel of the Red River of the North, where the boundary line between the United States and the British possessions crosses the same; thence up the main channel of said river to that of the Boix des Sioux River; thence [up] the main channel of said river to Lake Travers; thence up the centre of said lake to the southern extremity thereof; thence in a direct line to the head of Big Stone Lake; thence through its centre to its outlet; thence by a due south line to the north line of the State of Iowa; thence east along the northern boundary of said State to the main channel of the Mississippi River; thence up the main channel of said river, and following the boundary line of the State of Wisconsin, until the same intersects the Saint Louis River; thence down said river to and through Lake Superior, on the boundary line of Wisconsin and Michigan, until it intersects the dividing line between the United States and the British possessions; thence up Pigeon River, and following said dividing line to the place of beginning—be and they are hereby authorized to form for themselves a constitution and State government, by the name of the State of Minnesota, and to come into the Union on an equal footing with the original States, according to the Federal Constitution.

Inhabitants of part of Minnesota authorized to form a constitution and State government.

SEC. 2. *And be it further enacted*, That the said State of Minnesota shall have concurrent jurisdiction on the Mississippi and all other rivers and waters bordering on the said State of Minnesota, so far as the same shall form a common boundary to said State and any other State or States now or hereafter to be formed or bounded by the same; and said river and waters, and the navigable waters leading into the same, shall be common highways, and forever free, as well to the inhabitants of said State as to all other citizens of the United States, without any tax, duty, impost, or toll, therefor. (a)

Jurisdiction over bordering waters, which are declared to be common highways.

SEC. 5. *And be it further enacted*, That the following propositions be, and the same are hereby offered to the said convention of the people of Minnesota for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory on the United States and upon the said State of Minnesota, to wit:

Propositions to be acted on by the convention.

First. That sections numbered sixteen and thirty-six in every township of public lands in said State, and where either of said sections, or any part thereof, has been sold or otherwise been disposed of, other lands, equivalent thereto and as contiguous as may be, shall be granted to said State for the use of schools. (b)

School lands.

Second. That seventy-two sections of land shall be set apart and reserved for the use and support of a State university, to be selected by the governor of said State, subject to the approval of the Commissioner of the General Land Office, and to be appropriated and applied in such manner as the legislature of said State may prescribe for the purpose aforesaid, but for no other purpose. (c)

Land for a University.

Third. That ten entire sections of land, to be selected by the governor of said State, in legal subdivisions, shall be granted to said State for the purpose of completing the public buildings, or for the erection of others at the seat of government, under the direction of the legislature thereof.

Land for public buildings.

Fourth. That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to said State for its use; the same to be selected by the governor thereof within one year after the admission of

Salt springs.

said State, and when so selected, to be used or disposed of on such terms, conditions, and regulations as the legislature shall direct: *Provided*, That no salt spring or land, the right whereof is now vested in any individual or individuals, or which may be hereafter confirmed or adjudged to any individual or individuals, shall, by this article, be granted to said State. (d)

Percentage on land sales.

The above propositions made conditional.

Fifth. That five per centum of the net proceeds of sales of all public lands lying within said State, which shall be sold by Congress after the admission of the said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State, for the purpose of making public roads and internal improvements, as the legislature shall direct: *Provided*, The foregoing propositions herein offered are on the condition, that the said convention which shall form the constitution of said State shall provide, by a clause in said constitution, or an ordinance, irrevocable without the consent of the United States, that said State shall never interfere with the primary disposal of the soil within the same, by the United States, or with any regulations Congress may find necessary for securing the title in said soil to bona-fide purchasers thereof; and that no tax shall be imposed on lands belonging to the United States, and that in no case shall non-resident proprietors be taxed higher than residents.

(a) See Nos. 467, 1832, 1834, 1857.

(b) See Nos. 1834, 1835, 1838, 1842, 1851, 1855, 1856, 1860, 1863.

(c) See Nos. 1835, 1864, 1891.

(d) See No. 1916.

March 3, 1857.
Vol. 11, p. 195.

No. 1853.—AN ACT making a grant of land to the Territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said Territory, and granting public lands in alternate sections to the State of Alabama, to aid in the construction of a certain railroad in said State

Grant of land to Minnesota for railroads.

Grant in lieu of lands pre-empted or sold.

Lands how applied.

Be it enacted, &c., That there be and is hereby granted to the Territory of Minnesota, for the purpose of aiding in the construction of railroads, from Stillwater, by way of Saint Paul and Saint Anthony, to a point between the foot of Big Stone Lake and the mouth of Sioux Wood River, with a branch via Saint Cloud and Crow Wing, to the navigable waters of the Red River of the North, at such point as the legislature of said Territory may determine; from St. Paul and from Saint Anthony, via Minneapolis, to a convenient point of junction west of the Mississippi, to the southern boundary of the Territory in the direction of the mouth of the Big Sioux River, with a branch, via Faribault, to the north line of the State of Iowa, west of range sixteen; from Winona, via Saint Peters, to a point on the Big Sioux River, south of the forty-fifth parallel of north latitude; also from La Crescent, via Target Lake, up the valley of Root River, to a point of junction with the last-mentioned road, east of range seventeen, every alternate section of land, designated by odd numbers, for six sections in width on each side of each of said roads and branches; but in case it shall appear that the United States have, when the lines or routes of said roads and branches are definitely fixed, sold any sections, or any parts thereof, granted as aforesaid, or that the right of preëmption has attached to the same, then it shall be lawful for any agent, or agents, to be appointed by the governor of said Territory or future State to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tiers of sections above specified, so much land, in alternate sections, or parts of sections, as shall be equal to such lands as the United States have sold, or otherwise appropriated, or to which the rights of preëmption have attached, as aforesaid; which lands (thus selected in lieu of those sold, and to which preëmption rights have attached as aforesaid, together with the sections and parts of sections designated by odd numbers as aforesaid, and appropriated as aforesaid) shall be held by the Territory or future State of Minnesota for the use and purpose aforesaid: *Provided*, That the land to be so located shall, in no case, be further than fifteen miles from the lines of said roads or branches, and selected for and on account of each of said roads or branches: *Provided further*, That the lands hereby granted for and on account of said roads and branches, severally, shall be exclusively applied in the construction of that road for and on account of which such lands are hereby granted, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose

whatsoever: *And provided further*, That any and all lands heretofore reserved to the United States, by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be and the same are hereby reserved to the United States from the operation of this act, except so far as it may be found necessary to locate the routes of said railroads and branches through such reserved lands, in which case the right of way only shall be granted, subject to the approval of the President of the United States. (a)

Act not to apply to reservation except as to right of way.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which by such grant shall remain to the United States, within six miles on each side of said roads and branches, shall not be sold for less than double the minimum price of the public lands when sold; nor shall any of said lands become subject to private entry until the same shall have been first offered at public sale at the increased price. (b)

Price of alternate sections doubled.

SEC. 3. *And be it further enacted*, That the said lands hereby granted to the said Territory or future State shall be subject to the future disposal of the legislature thereof for the purposes herein expressed and no other; and the said railroads and branches shall be and remain public highways for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States.

Object of grant.

Railroads to be a highway for Government.

SEC. 4. *And be it further enacted*, That the lands hereby granted to said Territory or future State shall be disposed of by said Territory or future State only in the manner following, that is to say: That a quantity of land not exceeding one hundred and twenty sections for each of said roads and branches, and included within a continuous length of twenty miles of such of said roads and branches, may be sold; and when the governor of said Territory or future State shall certify to the Secretary of the Interior that any twenty continuous miles of any of said roads or branches is completed, then another quantity of land hereby granted, not to exceed one hundred and twenty sections for each of said roads and branches having twenty continuous miles completed as aforesaid, and included within a continuous length of twenty miles of each of such roads or branches, may be sold; and so from time to time until said roads and branches are completed; and if any of said roads or branches is not completed within ten years no further sale shall be made, and the lands unsold shall revert to the United States. (c)

Lands how disposed of.

SEC. 5. *And be it further enacted*, That the United States mail shall be transported over said roads and branches, under the direction of the Post-Office Department, at such price as Congress may by law direct: *Provided*, That until such price is fixed by law the Postmaster-General shall have the power to determine the same.

Transportation of mails.

SEC. 6. *And be it further enacted*, That in case any lands on the line of said roads or branches are within any Indian territory no title to the same shall accrue, nor shall the same be entered upon by the authority of said Territory or State until the Indian title to the same shall have been extinguished.

This act not to apply to lands in any territory till Indian title is extinguished.

(a) See Nos. 1840, 1844, 1865, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1881, 1882, 1886, 1889, 1892, 1896, 1902, 1906, 1911, 1915, 1917.

(b) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1856, 1866, 1868, 1869, 1871, 1873, 1874, 1875, 1879, 1880, 1887, 1890, 1895, 1896, 1900, 1901, 1904, 1905, 1909, 1917.

No. 1854.—AN ACT making appropriations for the legislative executive, and judicial expenses of Government for the year ending the thirtieth of June, eighteen hundred and fifty-eight.

March 3, 1857.
Vol. 11, p. 206.

Surveyors-General and their Clerks.—For compensation of the surveyor-general northwest of the Ohio, and the clerks in his office, eight thousand and three hundred dollars.

Office of surveyor-general northwest of the Ohio to be removed to St. Paul.

And it is hereby made the duty of the Secretary of the Interior, as soon after the passage of this act as may be, to cause the said office to be removed to the city of Saint Paul, in the Territory of Minnesota, and to make the necessary provisions for immediate and effective operations. And when so removed, the duties of said surveyor-general shall be co-extensive with the limits of the future State of Minnesota, as prescribed in the act entitled "An act to authorize the people of the Territory of Min-

His duties co-extensive with limits of State of Minnesota.

nesota to form a constitution and State government preparatory to their admission into the Union, on an equal footing with the original States," approved February twenty-sixth, eighteen hundred and fifty-seven. (a)

(a) See Nos. 1836, 1841, 1869, 1873, 1892.

March 3, 1857. **No. 1855.**—AN ACT for the relief of Joseph Irish, William Sturgis, and Bartholomew Baldwin.

Joseph Irish, Wm. Sturgis, and Bartholomew Baldwin each authorized to enter certain land in Minnesota.

Be it enacted, &c., That Joseph Irish be and he is hereby authorized to enter the northwest quarter of section thirty-six, township twenty-eight, range twenty-two; that William Sturgis be and he is hereby authorized to enter the east half of the northeast quarter, and the northwest quarter of the northeast quarter, and the northeast quarter of the northwest quarter of section thirty-six, in township thirty-five north, of range thirty west, containing one hundred and sixty acres; that Bartholomew Baldwin be and he is hereby authorized to enter the southeast quarter of section thirty-six, township twenty-seven, range twenty-two, upon payment by said Joseph Irish, William Sturgis, and Bartholomew Baldwin, of the usual minimum of one dollar and twenty-five cents per acre; and the Commissioner of the General Land Office is directed to issue patents on said entries.

Other school lands to be selected in lieu thereof.

SEC. 2. *And be it further enacted,* That the superintendent of public schools in the Territory of Minnesota is hereby authorized to select, in equal amounts, other lands in said Territory for the use of public schools, in lieu of the lands herein granted. (a)

(a) See Nos. 1834, 1835, 1838, 1842, 1851, 1852, 1856, 1860, 1863.

March 3, 1857. **No. 1856.**—A RESOLUTION relative to sections sixteen and thirty-six, in the Territories of Minnesota, Kansas, and Nebraska.

Where sections 16 or 36 have been or shall be settled or taken as town sites before survey, &c., in Minnesota, Kansas, or Nebraska, other school lands to be selected in lieu thereof.

Resolved, &c., That where any settlements, by the erection of a dwelling-house, or the cultivation of any portion of the land, shall have been or shall be made upon the sixteenth or thirty-sixth sections (which sections have been reserved by law for the purpose of being applied to the support of schools in the Territories of Minnesota, Kansas, and Nebraska, and in the States and Territories hereafter to be erected out of the same) before the said sections shall have been or shall be surveyed; or when such sections have been or may be selected or occupied as town sites, under and by virtue of the act of Congress approved twenty-third of May, eighteen hundred and forty-four, or reserved for public uses before the survey, then other lands shall be selected by the proper authorities, in lieu thereof, agreeably to the provisions of the act of Congress approved twentieth May, eighteen hundred and twenty-six, entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for." (a) And if such settler can bring himself, or herself, within the provisions of the act of fourth of September, eighteen hundred and forty-one, or the occupants of the town site be enabled to show a compliance with the provisions of the law of twenty-third of May, eighteen hundred and forty-four, then the right of preference granted by the said acts, in the purchase of such portion of the sixteenth or thirty-sixth sections, so settled and occupied, shall be in them respectively, as if such sections had not been previously reserved for school purposes. (b)

(a) See Nos. 1834, 1835, 1838, 1842, 1851, 1852, 1855, 1860, 1863.

(b) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1866, 1868, 1869, 1871, 1873, 1874, 1875, 1879, 1880, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1909, 1917.

May 11, 1858. **No. 1857.**—AN ACT for the admission of the State of Minnesota into the Union.
Vol. 11, p. 285.
Preamble.

Whereas an act of Congress was passed February twenty-six, eighteen hundred and fifty-seven, entitled "An act to authorize the people of the Territory of Minnesota to form a constitution and State government preparatory to their admission into the Union on an equal footing with the original States;" and whereas the people of said Territory did, on the twenty-ninth day of August, eighteen hundred and fifty-seven, by dele-

gates elected for that purpose, form for themselves a constitution and State government, which is republican in form, and was ratified and adopted by the people, at an election held on the thirteenth day of October, eighteen hundred and fifty-seven, for that purpose: therefore

Be it enacted, &c., That the State of Minnesota shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever. Minnesota admitted.

SEC. 3. *And be it further enacted,* That from and after the admission of the State of Minnesota, as hereinbefore provided, all the laws of the United States which are not locally inapplicable shall have the same force and effect within that State as in other States of the Union. (a) Laws of the United States extended over it.

(a) See Nos. 487, 1832, 1834, 1852.

No. 1858.—AN ACT amendatory of an act entitled "An act to establish two additional land districts in the Territory of Minnesota," approved July eighth, eighteen hundred and fifty-six.

May 11, 1858.
Vol. 11, p. 285.

Be it enacted, &c., That so much of an act entitled "An act to establish two additional land districts in the Territory of Minnesota," approved July eighth, anno Domini eighteen hundred and fifty-six, as defines the southern boundary of the Northwestern land district, on the west side of the Mississippi River, be, and the same is hereby, repealed, and in lieu thereof the following boundaries are established, to wit: Commencing at the point on the eastern side of the Mississippi River where the present south line touches the river; thence down said river to the point opposite the intersection with the river of the eighth standard parallel; thence along said parallel to the point of intersection of guide meridian number four; thence along said guide meridian to the seventh standard parallel; thence west along said seventh parallel to the Sioux Wood River; thence north to the line heretofore established.

Southern boundary of Northwestern land district.

SEC. 2. *And be it further enacted,* That the line dividing ranges twenty-three and twenty-four be the boundary-line between the Northwestern and Northeastern land districts in lieu of the range line between eighteen and nineteen, as heretofore established in the above-recited act. (a)

Boundary between Northwestern and Northeastern land districts.

(a) See Nos. 630, 1833, 1836, 1837, 1839, 1849, 1850, 1884, 1885, 1897, 1899.

No. 1859.—AN ACT to amend an act entitled "An act to authorize the President of the United States to cause to be surveyed the tract of land, in the Territory of Minnesota, belonging to the half-breeds or mixed-bloods of the Dakota or Sioux nation of Indians, and for other purposes," approved seventeenth July, eighteen hundred and fifty-four.

May 19, 1858.
Vol. 11, p. 292.

Be it enacted, &c., That the act approved seventeenth July, eighteen hundred and fifty-four, above referred to, chapter eighty-three, be, and the same is hereby, amended, so that the body of land known as the half-breed tract, lying on the west side of Lake Pepin and the Mississippi River, in the Territory of Minnesota, and which is authorized to be surveyed by the said act of eighteen hundred and fifty-four, shall be subject to the operation of the laws regulating the sale and disposition of the public lands; and settlements heretofore made thereon are declared valid so far as they do not conflict with settlements made by half-breeds, and that the settlers shall have the benefit of the preemption laws of the United States, any location of half-breed scrip thereon, after the date of the settlement, notwithstanding: *Provided,* The declaration of preemption be filed within three months after public notice is given of the passage of this act in the proper land district: *And provided,* That when two or more persons have settled on the same quarter section, prior to the passage of this act, they shall be permitted to enter the same, and the rights of each shall be determined according to the provisions of the act relating to preemptions, passed March third, eighteen hundred and forty-three.

The half-breed tract of land in Minnesota, west of Lake Pepin and the Mississippi, made subject to the laws relating to sales, pre-emption, &c.

Proviso.

SEC. 2. *And be it further enacted,* That the provisions of this act shall not extend to any tract or subdivision, within the body of land aforesaid, which shall have been settled upon in good faith by, and is in the occupancy of, any of the said half-breeds or mixed-bloods; which lands, so settled upon and occupied by the half-breeds, are hereby expressly

Act not to apply to lands in actual occupancy of half-breeds, &c.

declared to be subject to no other disposition than location by the "certificates" or "scrip" authorized to be issued by the said act of eighteen hundred and fifty-four, for the benefit of said Indians. Nor shall the provisions of this act extend to any lands which may have been located prior to its passage with half-breed scrip, with the consent of the settlers thereon. (a)

(a) See Nos. 1841, 1843.

Jan. 19, 1859.
Vol. 11, p. 556.

No. 1860.—AN ACT for the relief of Martin Layman.

Martin Layman authorized to enter a quarter-section of land in Minnesota.

Other lands to be selected in lieu thereof for schools in Minnesota.

Be it enacted, &c., That Martin Layman be, and he is hereby, authorized to enter the southwest quarter of section thirty-six, township twenty-nine north, range twenty-four west, in the Minneapolis land district, in the State of Minnesota, upon payment, by said Martin Layman, of the usual minimum of one dollar and twenty-five cents per acre, and the Commissioner of the General Land Office is directed to issue a patent on said entry.

SEC. 2. *And be it further enacted,* That the superintendent of public schools in the State of Minnesota is authorized to select an equal amount of other lands in said State for the use of public schools in lieu of the lands herein granted. (a)

(a) See Nos. 1834, 1835, 1838, 1842, 1851, 1852, 1853, 1856, 1863.

March 12, 1860
Vol. 12, p. 3.

No. 1861.—AN ACT to extend the provisions of "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits" to Minnesota and Oregon, and for other purposes.

Provisions of act of 1850 extended to Minnesota and Oregon.

Proviso.

Selections under said act, and the act of 1849, when to be made.

Be it enacted, &c., That the provisions of the act of Congress entitled "An act to enable the State of Arkansas and other States to reclaim the 'swamp lands' within their limits," approved September twenty-eight, eighteen hundred and fifty, be, and the same are hereby, extended to the States of Minnesota and Oregon: *Provided,* That the grant hereby made shall not include any lands which the Government of the United States may have reserved, sold, or disposed of (in pursuance of any law heretofore enacted) prior to the confirmation of title to be made under the authority of the said act.

SEC. 2. *And be it further enacted,* That the selection to be made from lands already surveyed in each of the States including Minnesota and Oregon, under the authority of the act aforesaid, and of the act to aid the State of Louisiana in draining the swamp lands therein, approved March second, one thousand eight hundred and forty-nine, shall be made within two years from the adjournment of the legislature of each State at its next session after the date of this act; and, as to all lands hereafter to be surveyed, within two years from such adjournment, at the next session, after notice by the Secretary of the Interior to the governor of the State, that the surveys have been completed and confirmed.

No. 1862.—AN ACT for the relief of George F. Brott.

May 26, 1860.
Vol. 12, p. 843.

George F. Brott to enter certain lands in Minnesota.

Be it enacted, &c., That George F. Brott be, and he is hereby, authorized to enter the following-described lands, to wit: Lots numbered one, two, three, and four, and the southwest quarter of the northwest quarter, and west half of southwest quarter of fractional section thirteen; and the south half of the northeast quarter, and the southeast quarter of the northwest quarter, and the east half of the southeast quarter of section number fourteen; and the east half of the northeast quarter of section number twenty-three, and lot number one, in section twenty-four, all in township number one hundred and twenty-four north, of range number twenty-eight west, in the district of lands subject to sale at the land office at St. Cloud, Minnesota; said tracts containing five hundred and sixty-two and twenty-hundredths acres, upon the payment by the said Brott of the usual minimum of one dollar and twenty-five cents per acre therefor: *Provided,* That said entry shall in no wise interfere with or embrace any land to which there is a valid subsisting claim under the preemption laws of the United States; and the Commissioner of the General Land Office is directed to issue a patent on said entry.

No. 1863.—AN ACT for the relief of Eben S. Hanscomb.June 21, 1860.
Vol. 12, p. 864.

Be it enacted, &c., That Eben S. Hanscomb be, and he is hereby, authorized to enter the southeast quarter of section sixteen, township twenty-eight north, range twenty-four west, in the district of lands subject to sale at Forest City, State of Minnesota, upon the payment by said Hanscomb of the usual minimum of one dollar and twenty-five cents per acre; and the Commissioner of the General Land Office is directed to issue a patent on said entry: *Provided, however,* That no bona-fide claim, or right of any other parties, or of the State of Minnesota to said land, shall be in any wise prejudiced or affected by the terms of this act, until their assent shall have been first obtained.

Eben S. Hanscomb may enter land in Minnesota, &c.

Sec. 2. *And be it further enacted,* That the superintendent of public schools in the State of Minnesota is authorized to select an equal quantity of other lands in said State, for the use of public schools, in lieu of the lands herein granted. (a)

Superintendent of schools to select land in lieu thereof.

(a) See Nos. 1834, 1835, 1838, 1842, 1851, 1852, 1853, 1856, 1860.

No. 1864.—AN ACT donating to the States of Minnesota and Oregon certain lands reserved by Congress for the Territories of Minnesota and Oregon for university purposes.March 2, 1861.
Vol. 12, p. 206.

Be it enacted, &c., That the lands reserved for the use of a university in the Territories of Minnesota and Oregon under section second of an act of Congress passed February nineteenth, one thousand eight hundred and fifty-one, entitled "An act to authorize the legislative assemblies of the Territories of Oregon and Minnesota to take charge of the school lands in said Territories, and for other purposes," be hereby donated to the States of Minnesota and Oregon for the use of said university. (a)

Grants to Minnesota and Oregon for university.

(a) See Nos. 1835, 1853, 1891.

No. 1865.—A JOINT RESOLUTION authorizing the State of Minnesota to change the line of certain branch railroads in said State, and for other purposes.July 12, 1862.
Vol. 12, p. 624.

Whereas, by an act of Congress, approved March third, eighteen hundred and fifty-seven, there was granted to the Territory of Minnesota lands to aid in the construction of a railroad from Stillwater, via St. Paul and St. Anthony, to a point between the foot of Big Stone Lake and the mouth of Sioux Wood River, with a branch, via St. Cloud and Crow Wing, to the navigable waters of the Red River of the North, the northern terminus of which was fixed by the legislature of said Territory at St. Vincent; and whereas it is now believed that the public interests require a change of location of a part of said branch road: Therefore—

Preamble.

Be it resolved, That in lieu of that part of the railroad grant to Minnesota Territory by act of Congress, approved third March, eighteen hundred and fifty-seven, which extends northwesterly from the intersection of the tenth standard parallel with the fourth guide meridian, there shall be granted to the State of Minnesota the alternate sections within six-mile limits of such new branch line of route as the authorities of the State may designate, having its southwestern terminus at any point on the existing line, between the Falls of Saint Anthony and Crow Wing, and extending in a northeasterly direction to the waters of Lake Superior, with a right of indemnity between the fifteen-mile limits thereof, provided this resolution shall take effect from the filing in the General Land Office of the acceptance by the authorities aforesaid of such substitution; whereupon the land north of the intersection aforesaid in the grant as authorized by the said act of third March, eighteen hundred and fifty-seven, being by said acceptance disencumbered of the railroad grant, shall be dealt with as other public lands of the United States. (a)

New grant of land to Minnesota for railroad.

(a) See Nos. 1840, 1844, 1853, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1881, 1882, 1886, 1889, 1892, 1896, 1902, 1906, 1911, 1915, 1917.

No. 1866.—AN ACT for the relief of preëmptors on the home reservation of the Winnebagoes, in the Blue-Earth region, in the State of Minnesota.July 14, 1862.
Vol. 12, p. 566.

Whereas certain individuals have memorialized Congress, setting forth that they were bona-fide actual settlers, under the preëmption laws of the United States, in the tract of country known as the eighteen-mile-square home reservation of the Winnebagoes, in the Blue-Earth region, Minnesota, at a period of time when the Indian title had been

Preamble.

extinguished, and prior to the setting apart by legal divisions of the said Indian home reservation, under the second article of the treaty of the twenty-seventh of February, eighteen hundred and fifty-five, and that by reason of the setting apart of said home reservation they were forced from their settlements and subjected to loss and damage by the destruction of their improvements; therefore—

Be it enacted, &c., That it shall and may be lawful for each of such settlers, within three months from and after the passage of this act, to file his declaratory statement with the proper register and receiver, descriptive of the tract so settled upon and improved; and under such regulations as may be prescribed by the Secretary of the Interior, said settler shall be permitted to establish his claim by the production of testimony showing compliance with all the requirements of the pre-emption law up to the period when said settler was ousted by reason of the premises falling within the aforesaid Indian home reservation; that the testimony required under this act shall be the affidavit of the claimant himself, taken before the register and receiver, and shall show the date of the commencement and the period of continuance of his improvements, the extent of the same, size of his habitation, the time and labor required in its construction, extent of other improvements, and the cost to him and value of the same, and value of crop derived from the same. The affidavit to be corroborated by disinterested testimony. (a)

SEC. 2. And be it further enacted, That upon the return of such testimony to the Department, it shall be the duty of the Secretary of the Interior finally to adjudge the validity or invalidity of each claim; and in regard to those shown to be bona fide under the pre-emption law, to report a list of the same, with all the testimony, to Congress, stipulating such award as should be paid as damages growing out of the loss and destruction of such improvements, by reason of the appropriation of such settlements to the Indian reservation, as aforesaid: *Provided,* That the land officers of the local land office herein mentioned shall not receive any additional pay or fees for the services hereby required of them.

(a) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1871, 1873, 1874, 1875, 1879, 1880, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1909, 1917.

Feb. 16, 1863.
Vol. 12, p. 652.

Damages by
Sioux Indians.
Preamble.

No. 1867.—AN ACT for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians.

Whereas the United States heretofore became bound by treaty stipulations to the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands of the Dakota or Sioux Indians to pay large sums of money and annuities, the greater portion of which remains unpaid according to the terms of said treaty stipulations; and whereas during the past year the aforesaid bands of Indians made an unprovoked, aggressive, and most savage war upon the United States, and massacred a large number of men, women, and children within the State of Minnesota, and destroyed and damaged a large amount of property, and thereby have forfeited all just claim to the said moneys and annuities to the United States; and whereas it is just and equitable that the persons whose property has been destroyed or damaged by the said Indians, or destroyed or damaged by the troops of the United States in said war, should be indemnified in whole or in part out of the indebtedness and annuities so forfeited as aforesaid: Therefore—

Be it enacted, &c., That all treaties heretofore made and entered into by the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands of Sioux or Dakota Indians, or any of them, with the United States, are hereby declared to be abrogated and annulled, so far as said treaties or any of them purport to impose any future obligation on the United States, and all lands and rights of occupancy within the State of Minnesota, and all annuities and claims heretofore accorded to said Indians, or any of them, to be forfeited to the United States.

SEC. 9. And be it further enacted, That the Secretary of the Interior is hereby authorized to set apart of the public lands, not otherwise appropriated, eighty acres in severalty to each individual of the before-named bands who exerted himself in rescuing the whites from the late mas-

Certain land to
be set apart for
Indians who aid-
ed the whites.

sacre of said Indians. The land so set apart shall not be subject to any tax, forfeiture, or sale, by process of law, and shall not be aliened or devised, except by the consent of the President of the United States, but shall be an inheritance to said Indians and their heirs forever. (a)

(a) See Nos. 1865, 1893.

No. 1868.—AN ACT for the removal of the Winnebago Indians, and for the sale of their reservation in Minnesota for their benefit.

Feb. 21, 1863.
Vol. 12, p. 658.

Be it enacted, &c., That the President of the United States is authorized to assign to and set apart for the Winnebago Indians a tract of unoccupied land beyond the limits of any State, in extent at least equal to their diminished reservation, the same to be well adapted for agricultural purposes. And it shall be lawful for the President to take such steps as he may deem proper to effect the peaceful and quiet removal of the said Indians from the State of Minnesota, and to settle them upon the lands which may be assigned to them under the provisions of this act. (a)

President may set apart a tract of land for the Winnebago Indians.

And remove them from Minnesota.

SEC. 2. *And be it further enacted,* That, upon the removal of the said Indians from the reservation where they now reside, it shall be the duty of the Secretary of the Interior to cause each legal subdivision of the said lands to be appraised by discreet persons to be appointed by him for that purpose. And in each instance where there are improvements upon any legal subdivision of said lands, the improvements shall be separately appraised. But no portion of the said lands shall be subject to preemption, settlement, entry, or location under any act of Congress, unless the party preempting, settling upon, or locating any portion of said lands shall pay therefor the full appraised value thereof, including the value of the said improvements, under such regulations as hereinafter provided.

Subdivisions of present reservation to be appraised.

When to be subject to pre-emption.

SEC. 3. *And be it further enacted,* That after the appraisal of the said reservation the same shall be opened to preemption, entry, and settlement, in the same manner as other public lands: *Provided,* That before any person shall be entitled to enter any portion of the said lands, by preemption or otherwise, previous to their exposure to sale to the highest bidder, at public outcry, he shall become an actual bona-fide settler thereon, and shall conform to all the regulations now provided by law in cases of pre-emption, and shall pay, within the term of one year from the date of his settlement, the full appraised value of the land, and the improvements thereon, to the land officers of the district where the said lands are situated. And the portion of the said reservation which may not be settled upon, as aforesaid, may be sold at public auction, as other public lands are sold, after which they shall be subject to sale at private entry, as other public lands of the United States, but no portion thereof shall be sold for a sum less than their appraised value before the first of January, anno Domini eighteen hundred and sixty-five, nor for a less price than one dollar and twenty-five cents per acre, unless otherwise provided by law: *Provided,* That where improvements have been made upon said lands by persons authorized by law to trade with said Indians, the value of such improvements, or the price for which the same may be sold, shall be paid to the parties making the same; and in case the land upon which such improvements shall have been made shall be purchased by the parties making the same, at the appraised value as aforesaid, the value of the improvements so made by him shall form no part of the purchase price to be paid for said land. (b)

After appraisal to be opened to pre-emption, &c.

Who may pre-empt.

What is not pre-empted may be sold.

Minimum price. Improvements.

SEC. 4. *And be it further enacted,* That the lands of said Indians which have been set apart for the payment of the debts of the said Indians, shall be sold on sealed bids for the best price the same will bring; but no bids shall be received for said lands until the first day of January, anno Domini eighteen hundred and sixty-five, for less than two dollars and fifty cents per acre. Bids shall be received for tracts of quarter-sections; and for such tracts conforming to the Government surveys less than one hundred and sixty acres as will secure the largest price for said lands, the Secretary is authorized to receive, in payment of said lands, certificates of indebtedness of said Indians, issued by the Commissioner of Indian Affairs for the debts of said Indians, secured to be paid out of the sale of said lands by the third article of the treaty of the said Indians with the United States, concluded at Washington on the fifteenth day of April, eighteen hundred and fifty-nine. The money

Lands set apart for debts to be sold by sealed bids. Time, &c., for bidding.

What received in payment.

Proceeds, how disposed of. arising from the sale of their said lands, after paying the indebtedness required by said treaty to be paid, shall be paid into the Treasury of the United States and shall be expended as the same is received, under the direction of the Secretary of the Interior, in necessary improvements upon their new reservation; and it shall be the duty of the Secretary of the Interior to allot to said Indians in severalty lands which they may respectively cultivate and improve, not exceeding eighty acres to each head of a family other than to the chiefs, to whom larger allotments may be made, which lands, when so allotted, shall be vested in said Indian and his heirs, without the right of alienation, and shall be evidenced by patent. (a)

Allotments in severalty. of the Interior to allot to said Indians in severalty lands which they may respectively cultivate and improve, not exceeding eighty acres to each head of a family other than to the chiefs, to whom larger allotments may be made, which lands, when so allotted, shall be vested in said Indian and his heirs, without the right of alienation, and shall be evidenced by patent. (a)

Annual appropriations, how expended. SEC. 5. *And be it further enacted*, That the money to be annually appropriated for the benefit of the said Indians shall be expended in such manner as will, in the judgment of the President, best advance the said Indians in agricultural and mechanical pursuits, and enable them to sustain themselves without the aid of the Government. And in such expenditure reasonable discrimination may be made in favor of the chiefs who shall be found faithful to the Government of the United States, and efficient in maintaining its authority and the peace of the Indians. Said Indians shall be subject to the laws of the United States, and to the criminal laws of the State or Territory in which they may happen to reside. They shall also be subject to such rules and regulations for their government as the Secretary of the Interior may prescribe; but they shall be deemed incapable of making any valid civil contract with any person other than a native member of their tribe without the consent of the President of the United States. The Secretary of the Interior shall also make reasonable provision for the education of said Indians, according to their capacity and the means at his command.

Discrimination in favor of faithful chiefs. chiefs who shall be found faithful to the Government of the United States, and efficient in maintaining its authority and the peace of the Indians. Said Indians shall be subject to the laws of the United States, and to the criminal laws of the State or Territory in which they may happen to reside. They shall also be subject to such rules and regulations for their government as the Secretary of the Interior may prescribe; but they shall be deemed incapable of making any valid civil contract with any person other than a native member of their tribe without the consent of the President of the United States. The Secretary of the Interior shall also make reasonable provision for the education of said Indians, according to their capacity and the means at his command.

Contracts of Indians. without the consent of the President of the United States. The Secretary of the Interior shall also make reasonable provision for the education of said Indians, according to their capacity and the means at his command.

Education. of said Indians, according to their capacity and the means at his command.

(a) See No. 1893.

(b) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1871, 1873, 1874, 1875, 1879, 1880, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1909, 1917.

March 3, 1863.
Vol. 12, p. 819.

No. 1869.—AN ACT for the removal of the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands of Sioux or Dakota Indians, and for the disposition of their lands in Minnesota and Dakota.

Lands outside the limits of any State to be assigned certain bands of Sioux Indians. *Be it enacted, &c.*, That the President is authorized and hereby directed to assign to and set apart for the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands of Sioux Indians a tract of unoccupied land outside of the limits of any State, sufficient in extent to enable him to assign to each member of said bands (who are willing to adopt the pursuit of agriculture) eighty acres of good agricultural lands, the same to be well adapted to agricultural purposes. (a)

Quantity. SEC. 2. *And be it further enacted*, That the several tracts of land within the reservations of the said Indians, shall be surveyed, under the direction of the Commissioner of the General Land Office, into legal subdivisions to conform to the surveys of the other public lands. (b) And the Secretary of the Interior shall cause each legal subdivision of the said lands to be appraised by discreet persons to be appointed by him for that purpose. And in each instance where there are improvements upon any legal subdivision of said lands, the improvements shall be separately appraised. But no portion of the said lands shall be subject to preemption, settlement, entry, or location, under any act of Congress, unless the party preempting, settling upon, or locating any portion of said lands shall pay therefor the full appraised value thereof, including the value of the said improvements, under such regulations as hereinafter provided.

Reservations of said Indians to be surveyed. SEC. 2. *And be it further enacted*, That the several tracts of land within the reservations of the said Indians, shall be surveyed, under the direction of the Commissioner of the General Land Office, into legal subdivisions to conform to the surveys of the other public lands. (b) And the Secretary of the Interior shall cause each legal subdivision of the said lands to be appraised by discreet persons to be appointed by him for that purpose. And in each instance where there are improvements upon any legal subdivision of said lands, the improvements shall be separately appraised. But no portion of the said lands shall be subject to preemption, settlement, entry, or location, under any act of Congress, unless the party preempting, settling upon, or locating any portion of said lands shall pay therefor the full appraised value thereof, including the value of the said improvements, under such regulations as hereinafter provided.

Legal subdivisions to be appraised. SEC. 2. *And be it further enacted*, That the several tracts of land within the reservations of the said Indians, shall be surveyed, under the direction of the Commissioner of the General Land Office, into legal subdivisions to conform to the surveys of the other public lands. (b) And the Secretary of the Interior shall cause each legal subdivision of the said lands to be appraised by discreet persons to be appointed by him for that purpose. And in each instance where there are improvements upon any legal subdivision of said lands, the improvements shall be separately appraised. But no portion of the said lands shall be subject to preemption, settlement, entry, or location, under any act of Congress, unless the party preempting, settling upon, or locating any portion of said lands shall pay therefor the full appraised value thereof, including the value of the said improvements, under such regulations as hereinafter provided.

Improvements. SEC. 2. *And be it further enacted*, That the several tracts of land within the reservations of the said Indians, shall be surveyed, under the direction of the Commissioner of the General Land Office, into legal subdivisions to conform to the surveys of the other public lands. (b) And the Secretary of the Interior shall cause each legal subdivision of the said lands to be appraised by discreet persons to be appointed by him for that purpose. And in each instance where there are improvements upon any legal subdivision of said lands, the improvements shall be separately appraised. But no portion of the said lands shall be subject to preemption, settlement, entry, or location, under any act of Congress, unless the party preempting, settling upon, or locating any portion of said lands shall pay therefor the full appraised value thereof, including the value of the said improvements, under such regulations as hereinafter provided.

When subject to pre-emption. SEC. 2. *And be it further enacted*, That the several tracts of land within the reservations of the said Indians, shall be surveyed, under the direction of the Commissioner of the General Land Office, into legal subdivisions to conform to the surveys of the other public lands. (b) And the Secretary of the Interior shall cause each legal subdivision of the said lands to be appraised by discreet persons to be appointed by him for that purpose. And in each instance where there are improvements upon any legal subdivision of said lands, the improvements shall be separately appraised. But no portion of the said lands shall be subject to preemption, settlement, entry, or location, under any act of Congress, unless the party preempting, settling upon, or locating any portion of said lands shall pay therefor the full appraised value thereof, including the value of the said improvements, under such regulations as hereinafter provided.

After survey, lands to be open to pre-emption, entry, and settlement. SEC. 3. *And be it further enacted*, That after the survey of the said reservations the same shall be open to preemption, entry, and settlement in the same manner as other public lands: *Provided*, That before any person shall be entitled to enter any portion of the said lands by preemption or otherwise, previous to their exposure to sale to the highest bidder, at public outcry, he shall become an actual bona-fide settler thereon, and shall conform to all the regulations now provided by law in cases of preemption; and shall pay, within the term of one year from the date of his settlement, the full appraised value of the land, and the improvements thereon, to the land officers of the district where the said lands are situated. And the portions of the said reservations which may not be settled upon, as aforesaid, may be sold at public auction, as

Who may preempt, &c.

What may be sold at public auction.

other public lands are sold, after which they shall be subject to sale at private entry, as other public lands of the United States, but no portion thereof shall be sold for a sum less than their appraised value, before the first of January, anno Domini eighteen hundred and sixty-five, nor for a less price than one dollar and twenty-five cents per acre, until otherwise provided for by law. (c)

SEC. 4. *And be it further enacted*, That the money arising from said sale shall be invested by the Secretary of the Interior for the benefit of said Indians in their new homes, in the establishing them in agricultural pursuits: *Provided*, That it shall be lawful for said Secretary to locate any meritorious individual Indian of said bands, who exerted himself to save the lives of the whites in the late massacre, upon said lands on which the improvements are situated, assigning the same to him to the extent of eighty acres, to be held by such tenure as is or may be provided by law: *And provided, further*, That no more than eighty acres shall be awarded to any one Indian, under this or any other act.

SEC. 5. *And be it further enacted*, That the money to be annually appropriated for the benefit of the said Indians shall be expended in such manner as will, in the judgment of the Secretary of the Interior, best advance the said Indians in agricultural and mechanical pursuits, and enable them to sustain themselves without the aid of the Government; but no portion of said appropriations shall be paid in money to said Indians. And in such expenditure, said Secretary may make reasonable discrimination in favor of the chiefs who shall be found faithful to the Government of the United States, and efficient in maintaining its authority and the peace of the Indians. Said Indians shall be subject to the laws of the United States, and to the criminal laws of the State or Territory in which they may happen to reside. They shall also be subject to such rules and regulations for their government as the Secretary of the Interior may prescribe; but they shall be incapable of making any valid civil contract with any person other than a native member of their tribe, without the consent of the President. The Secretary of the Interior shall also make reasonable provision for the education of said Indians, according to their capacity and the means at his command.

(a) See Nos. 1867, 1893.

(b) See Nos. 1836, 1841, 1854, 1873, 1892.

(c) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1868, 1871, 1873, 1874, 1875, 1879, 1880, 1857, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1909, 1917.

No. 1870.—AN ACT confirming the title of Joseph Ford to certain lands in Rice County, in the State of Minnesota.

April 19, 1864.
Vol. 13, p. 579.

Be it enacted, &c., That the title of Joseph Ford in and to the following-described lands, to wit: The south half of the northeast quarter, and the southeast quarter of the northwest quarter, and the northwest quarter of the southeast quarter of section six, in township one hundred and eleven, of range nineteen, in Rice County, in the State of Minnesota, containing one hundred and sixty acres, be, and the same is hereby, fully and absolutely confirmed, and that a patent be issued to the said Joseph Ford for the same.

Title of Joseph Ford to certain lands in Minnesota confirmed, and patent to issue therefor.

No. 1871.—AN ACT making a grant of lands to the State of Minnesota, to aid in the construction of the railroad from Saint Paul to Lake Superior.

May 5, 1864.
Vol. 13, p. 64.

Be it enacted, &c., That there be, and there is hereby, granted to the State of Minnesota for the purpose of aiding in the construction of a railroad in said State from the city of Saint Paul to the head of Lake Superior, every alternate section of public land of the United States, not mineral, designated by odd numbers, to the amount of five alternate sections per mile on each side of the said railroad on the line thereof, within the State of Minnesota; but in case it shall appear that the United States have, when the line or route of said road is definitely fixed, sold, appropriated, reserved, or otherwise disposed of any sections, or any part thereof, granted as aforesaid, or that the right of preemption or homestead settlement has attached to the same, then it shall be the duty of the Secretary of the Interior to select from the lands of the United States nearest to the lines of sections above specified, in alternate sections or parts thereof, so much public land of the United States, not mineral, as shall be equal in amount to such lands as the United States have sold or otherwise appropriated, or to which the rights of preemption

Lands granted to Minnesota for a railroad from Saint Paul to head of Lake Superior.

Reserved or preempted lands.

- tion or homestead settlement may have attached, as aforesaid; which lands thus selected in lien of those sold, reserved, or otherwise appropriated or disposed of, or to which the rights of preëmption or homestead settlement may have attached, as aforesaid, together with the sections and parts of sections designated as aforesaid, and appropriated as aforesaid, shall be held and disposed of by the said State for the use and purpose aforesaid: *Provided*, That the land to be so selected shall in no case be located farther than twenty miles from the lines of said road: *And provided, further*, That the lands hereby granted for and on account of said road shall be exclusively applied in the construction of the same, and for no other purpose whatever, and shall be disposed of only as the work progresses through the same, as in this act hereinafter provided: *Provided, also*, That no part of the land granted by this act shall be applied to aid in the construction of any railroad, or part thereof, for the construction of which any previous grant of land may have been made by Congress: *And provided, further*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby, reserved to the United States, from the operations of this act, except so far as it may be found necessary to locate the route of the said road through such reserved lands; in which case the right of way only shall be granted, subject to the approval of the President of the United States: (a) *Provided, further*, That the minimum price of the even sections and parts of sections of the public lands of the United States, within the limits of ten miles on each side of the line of said road, shall be two dollars and fifty cents per acre. (b)
- Land not to be located more than twenty miles from the road.** SEC. 2. *And be it further enacted*, That whenever said State shall cause to be completed twenty consecutive miles of any portion of said railroad, supplied with all necessary drains, culverts, viaducts, crossings, sidings, bridges, turn-outs, watering-places, depots, equipments, furniture, and all other appurtenances of a first-class railroad, patents shall issue conveying the right and title to said lands to said State, on each side of the road, as far as the same is completed, and coterminous with said completed section, not exceeding the amount aforesaid, and patents shall in like manner issue as each twenty miles of said road is completed: *Provided, however*, That no patents shall issue for any of said lands unless there shall be presented to the Secretary of the Interior a statement, certified by the governor of the State of Minnesota, that such twenty miles have been completed in the manner required by this act, and setting forth with certainty the points where such twenty miles begin and where the same end.
- Lands granted, when not to be subject to preëmption, &c.** SEC. 3. *And be it further enacted*, That when the said road shall be definitely located, and a plat thereof filed with the Secretary of the Interior, the lands hereby granted shall not thereafter be subject to settlement, preëmption, or private entry adverse to this grant.
- Right of way over public lands.** SEC. 4. *And be it further enacted*, That the said State, in addition to the grant heretofore mentioned, is hereby authorized to locate the said road over any public lands of the United States, not otherwise appropriated, reserved, or disposed of, and that the right of way over said lands of the United States for the purpose aforesaid is hereby granted to said State to the width of one hundred feet on each side of said road as located.
- Width.** SEC. 5. *And be it further enacted*, That the said lands hereby granted when patented to said State, shall be subject to the disposal of said State for the purposes aforesaid, and for no other; and the said railroad shall be and remain a public highway for the use of the Government of the United States, free from all toll or other charge, for the transportation of any property or troops of the United States.
- Lands to be used only for purposes of roads.** SEC. 6. *And be it further enacted*, That if said road is not completed within eight years from the time of the passage of this act, as provided herein, no further patent shall be issued for said lands, and no further sale shall be made, and the lands unsold shall revert to the United States.
- Road to be completed within eight years, if not, lands to revert.** SEC. 7. *And be it further enacted*, That the United States mail shall be transported over said road, under the direction of the Post-Office Department, at such price as Congress may by law direct: *Provided*, That until such price is fixed by law the Postmaster-General shall have the power to determine the same.
- Road to be public highway.**
- Mail to be carried at such price as Congress directs, &c.**

SAC. 8. *And be it further enacted,* That any railroad which may hereafter be constructed from any point on the Bay of Superior, in the State of Wisconsin, shall be permitted to connect with the said railroad, for the construction of which the said lands are hereby granted, at any point which may be selected by the president and directors of said railroad company so permitted to connect their said road, and the said railroad company so permitted to connect shall have the right and privilege to transport, or have transported, over the track of said railroad, for the construction of which the said lands are hereby granted, all or any of its cars, passengers, or freights, and the said railroad company controlling the said road, for the construction of which the said lands are hereby granted, shall have the same right and privilege to transport or have transported all or any of its cars, freights, or passengers over the track of the said railroad of the company so permitted to connect, and said transportation shall be paid by the railroad company using, to the railroad company according the same, at the usual rates or charges which may be imposed by the said company upon all other cars, freights, or passengers. (a)

Certain railroads hereafter constructed may connect with this.

This railroad may connect with those.

(a) See Nos. 1840, 1844, 1853, 1865, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1881, 1882, 1886, 1889, 1892, 1896, 1902, 1906, 1911, 1915, 1917.

(b) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1873, 1874, 1875, 1879, 1880, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1909, 1917.

No. 1872.—AN ACT for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State.

May 12, 1864.
Vol. 13, p. 72.

SEC. 7. *And be it further enacted,* That there be, and is hereby, granted to the State of Minnesota for the purpose of aiding in the construction of a railroad from St. Paul and St. Anthony, via Minneapolis, to a convenient point of junction west of the Mississippi, to the southern boundary of the State, in the direction of the mouth of the Big Sioux River, four additional alternate sections of land per mile, to be selected upon the same conditions, restrictions, and limitations as are contained in the act of Congress entitled "An act making a grant of land to the Territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said Territory, and granting public lands, in alternate sections, to the State of Alabama, to aid in the construction of a certain railroad in said State," approved March third, eighteen hundred and fifty-seven: *Provided,* That the land to be so located by virtue of this section may be selected within twenty miles of the line of said road, but in no case at a greater distance therefrom. (a)

Grant to Minnesota for road from St. Paul to southern line of State.

Conditions of grant.

Lands may be selected, where.

(a) See Nos. 1840, 1844, 1853, 1865, 1871, 1873, 1874, 1875, 1876, 1877, 1878, 1881, 1882, 1886, 1889, 1892, 1896, 1902, 1906, 1911, 1915, 1917.

No. 1873.—AN ACT granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget's Sound, on the Pacific coast, by the northern route.

July 3, 1864.
Vol. 13, p. 365.

Be it enacted, &c., That Richard D. Rice, John A. Poore, Samuel P. Strickland, Samuel C. Fessenden, Charles P. Kimball, Augustine Haines, Edwin R. W. Wiggin, Anson P. Morrill, Samuel J. Anderson, of Maine; Willard Sears, I. S. Withington, Josiah Perham, James M. Becket, A. W. Banfield, Abiel Abbott, John Newell, Austin L. Rogers, Nathaniel Greene, junr., Oliver Frost, John A. Bass, John O. Bresbrey, George Shiverick, Edward Tyler, Filander J. Forristall, Ivory H. Pope, of Massachusetts; George Opdyke, Fairley Holmes, John Huggins, Philander Reed, George Briggs, Chauncy Vibbard, John C. Fremont, of New York; Ephraim Marsh, John P. Jackson, jr., of New Jersey; S. M. Felton, John Toy, O. J. Dickey, B. F. Archer, G. W. Cass, J. Edgar Thompson, John A. Green, of Pennsylvania; T. M. Allyn, Moses W. Wilson, Horace Whittaker, Ira Bliss, of Connecticut; Joseph A. Gilmore, Onslow Stearns, E. P. Emerson, Frederick Smyth, William E. Chandler, of New Hampshire; Cyrus Aldrich, H. M. Rice, John McKusick, H. C. Waite, Stephen Miller, of Minnesota; E. A. Chapin, John Gregory Smith, George Merrill, of Vermont; James Y. Smith, William S. Slater, Isaac H. Southwick, Earl P. Mason, of Rhode Island; Seth Fuller, William Kellogg, U. S. Grant, William B. Ogden, William G. Greene, Leonard Sweat, Henry W. Blodgett, Porter Sheldon, of Illinois; J. M. Winchell, Ellsworth Cheesebrough, James S. Emery, of Kansas; Richard F. Per-

Northern Pacific Railroad Company incorporated.
Names of incorporators.

kins, Richard Chenery, Samuel Brannan, George Rowland, Henry Platt, of California; William F. Mercer, James W. Brownley, of Virginia; John H. B. Latrobe, W. Prescott Smith, of Maryland; Greenbury Slack, A. J. Boreman, of West Virginia; Thomas E. Bramlette, Frank Shorin, of Kentucky; John Brough, John A. Bingham, Oran Follett, John Gardner, S. S. L'Hommiedieu, Harrison G. Blake, Philo Chamberlin, of Ohio; John A. Duncan, Samuel M. Harrington, of Delaware; Thomas A. Morris, Jesse L. Williams, of Indiana; Samuel L. Case, Henry L. Hall, David H. Jerome, Thomas D. Gilbert, C. A. Trowbridge, of Michigan; Edward H. Broadhead, Alexander Mitchell, Benjamin Ferguson, Levi Sterling, ——— Marshal, of Wisconsin; J. C. Ainsworth, Orlando Humason, H. W. Corbett, Henry Failling, of Oregon; J. B. S. Todd, M. K. Armstrong, J. Shaw Gregory, J. Le Berge, of Dakota Territory; John Mullan, Anson G. Henry, S. D. Smith, Charles Terry, of Washington Territory; H. W. Starr, Platt Smith, Nixon Denton, William Leighton, B. F. Allen, Renben Noble, John L. Davies, of Iowa; Williard P. Hall, George R. Smith, H. Gayle King, John C. Sargeant, of Missouri; William H. Wallace, of Idaho Territory; J. H. Lathrop, Henry D. Cooke, H. E. Merriek, of the District of Columbia, and all such other persons who shall or may be associated with them, and their successors, are hereby created and erected into a body corporate and politic, in deed and in law, by the name, style, and title of the "Northern Pacific Railroad Company," and by that name shall have perpetual succession, and shall be able to sue and to be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States, and may make and have a common seal.

Powers, &c. And said corporation is hereby authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances, namely, beginning at a point on Lake Superior, in the State of Minnesota or Wisconsin; thence westerly by the most eligible railroad route, as shall be determined by said company, within the territory of the United States, on a line north of the forty-fifth degree of latitude to some point on Puget's Sound, with a branch, via the valley of the Columbia River, to a point at or near Portland, in the State of Oregon, leaving the main trunk-line at the most suitable place, not more than three hundred miles from its western terminus; and is hereby vested with all the powers, privileges, and immunities necessary to carry into effect the purposes of this act as herein set forth.

May lay out, &c., a railroad and telegraph line. The capital stock of said company shall consist of one million shares of one hundred dollars each, which shall in all respects be deemed personal property, and shall be transferable in such manner as the by-laws of said corporation shall provide. The persons hereinbefore named are hereby appointed commissioners, and shall be called the board of commissioners of the "Northern Pacific Railroad Company," and fifteen shall constitute a quorum for the transaction of business.

Capital stock. The first meeting of said board of commissioners shall be held at the Melodion Hall, in the city of Boston, at such time as any five commissioners herein named from Massachusetts shall appoint, not more than three months after the passage of this act, notice of which shall be given by them to the other commissioners by publishing said notice in at least one daily newspaper in the cities of Boston, New York, Philadelphia, Cincinnati, Milwaukee, and Chicago, once a week at least four weeks previous to the day of meeting. Said board shall organize by the choice from its number of a president, vice-president, secretary, and treasurer, and they shall require from said treasurer such bonds as may be deemed proper, and may from time to time increase the amount thereof as they may deem proper. The secretary shall be sworn to the faithful performance of his duties, and such oath shall be entered upon the records of the company, signed by him, and the oath verified thereon. The president and secretary of said board shall in like manner call all other meetings, naming the time and place thereof.

Commissioners. It shall be the duty of said board of commissioners to open books, or cause books to be opened, at such times, and in such principal cities or other places in the United States, as they, or a quorum of them, shall determine, within six months after the passage of this act, to receive subscriptions to the capital stock of said corporation, and a cash payment of ten per centum on all subscriptions, and to receipt therefor. So soon as twenty thousand shares shall in good faith be subscribed for, and ten dollars per share actually paid into the treasury of the

Quorum.

First meeting of business.

Officers, &c.

Meetings.

Books of subscription.

company, the said president and secretary of said board of commissioners shall appoint a time and place for the first meeting of the subscribers to the stock of said company, and shall give notice thereof in at least one newspaper in each State in which subscription books have been opened, at least fifteen days previous to the day of meeting, and such subscribers as shall attend the meeting so called, either in person or by lawful proxy, then and there shall elect by ballot thirteen directors for said corporation; and in such election each share of said capital stock shall entitle the owner thereof to one vote. The president and secretary of the board of commissioners, and, in case of their absence or inability, any two of the officers of said board, shall act as inspectors of said election, and shall certify under their hands the names of the directors elected at said meeting; and the said commissioners, treasurer, and secretary, shall then deliver over to said directors all the properties, subscription books, and other books in their possession, and thereupon the duties of said commissioners, and the officers previously appointed by them, shall cease and determine forever, and thereafter the stockholders shall constitute said body politic and corporate. Annual meetings of the stockholders of the said corporation for the choice of officers (when they are to be chosen) and for the transaction of business shall be holden at such time and place and upon such notice as may be prescribed in the by-laws.

First meeting of subscribers to stock.

Directors.

Inspectors of election.

Commissioners to deliver to directors.

Annual meetings.

SEC. 2. *And be it further enacted*, That the right of way through the public lands be, and the same is hereby, granted to said "Northern Pacific Railroad Company," its successors and assigns, for the construction of a railroad and telegraph as proposed; and the right, power, and authority is hereby given to said corporation to take from the public lands, adjacent to the line of said road, material of earth, stone, timber, and so forth, for the construction thereof. Said way is granted to said railroad to the extent of two hundred feet in width on each side of said railroad where it may pass through the public domain, including all necessary ground for station-buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations; and the right of way shall be exempt from taxation within the Territories of the United States. The United States shall extinguish, as rapidly as may be consistent with public policy and the welfare of the said Indians, the Indian titles to all lands falling under the operation of this act, and acquired in the donation to the [road] named in this bill.

Right of way.

Materials for construction.

Indian titles to be extinguished.

SEC. 3. *And be it further enacted*, That there be, and hereby is, granted to the "Northern Pacific Railroad Company," its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line to the Pacific coast, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores, over the route of said line of railway, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile, on each side of said railroad line, as said company may adopt, through the Territories of the United States, and ten alternate sections of land per mile on each side of said railroad whenever it passes through any State, and whenever on the line thereof, the United States have full title, not reserved, sold, granted, or otherwise appropriated, and free from preemption, or other claims or rights, at the time the line of said road is definitely fixed, and a plat thereof filed in the office of the Commissioner of the General Land Office; and whenever, prior to said time, any of said sections or parts of sections shall have been granted, sold, reserved, occupied by homestead settlers, or preempted, or otherwise disposed of, other lands shall be selected by said company in lieu thereof, under the direction of the Secretary of the Interior, in alternate sections, and designated by odd numbers, not more than ten miles beyond the limits of said alternate sections: *Provided*, That if said route shall be found upon the line of any other railroad route to aid in the construction of which lands have been heretofore granted by the United States, as far as the routes are upon the same general line, the amount of land heretofore granted shall be deducted from the amount granted by this act: *Provided, further*, That the railroad company receiving the previous grant of land may assign their interest to said "Northern Pacific Railroad Company," or may consolidate, confederate, and associate with said company upon the terms named in the first section of this act: *Provided, further*, That all mineral lands be, and the same are hereby, excluded from the operations of this act, and in lieu thereof a like quantity of unoccupied and unap-

Grant of public lands.

Lands in lieu of those reserved, &c. *Provided*.

Mineral lands excluded.

propriated agricultural lands, in odd-numbered sections, nearest to the line of said road may be selected as above provided: *And provided, further*, That the word "mineral," when it occurs in this act, shall not be held to include iron or coal: *And provided, further*, That no money shall be drawn from the Treasury of the United States to aid in the construction of the said "Northern Pacific Railroad."

Commissioners.

SEC. 4. *And be it further enacted*, That whenever said "Northern Pacific Railroad Company" shall have twenty five consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated, the President of the United States shall appoint three commissioners to examine the same, and if it shall appear that twenty-five consecutive miles of said road and telegraph line have been completed in a good, substantial, and workmanlike manner, as in all other respects required by this act, the commissioners shall so report to the President of the United States, and patents of lands, as aforesaid, shall be issued to said company, confirming to said company the right and title to said lands, situated opposite to, and coterminus with, said completed section of said road; and, from time to time, whenever twenty-five additional consecutive miles shall have been constructed, completed, and in readiness as aforesaid, and verified by said commissioners to the President of the United States, then patents shall be issued to said company conveying the additional sections of land as aforesaid, and so on as fast as every twenty-five miles of said road is completed as aforesaid: *Provided*, That not more than ten sections of land per mile, as said road shall be completed, shall be conveyed to said company for all that part of said railroad lying east of the western boundary of the State of Minnesota, until the whole of said railroad shall be finished and in good running order, as a first-class railroad, from the place of beginning on Lake Superior to the western boundary of Minnesota: *Provided, also*, That lands shall not be granted under the provisions of this act on account of any railroad, or part thereof, constructed at the date of the passage of this act.

Patents.

Provisions.

Railroad to be constructed in, &c.

SEC. 5. *And be it further enacted*, That said Northern Pacific Railroad shall be constructed in a substantial and workmanlike manner, with all the necessary draws, culverts, bridges, viaducts, crossings, turn-outs, stations, and watering-places, and all other appurtenances, including furniture, and rolling-stock, equal in all respects to railroads of the first class, when prepared for business, with rails of the best quality, manufactured from American iron. And a uniform gauge shall be established throughout the entire length of the road. And there shall be constructed

Gauge.

Telegraph line.

a telegraph line, of the most substantial and approved description, to be operated along the entire line: *Provided*, That the said company shall not charge the Government higher rates than they do individuals for like transportation and telegraphic service. And it shall be the duty of the Northern Pacific Railroad Company to permit any other railroad which shall be authorized to be built by the United States, or by the legislature of any Territory or State in which the same may be situated, to form running connections with it, on fair and equitable terms. (a)

Other roads may form connections.

Lands on both sides of road to be surveyed, &c.

SEC. 6. *And be it further enacted*, That the President of the United States shall cause the lands to be surveyed for forty miles in width on both sides of the entire line of said road, after the general route shall be fixed, and as fast as may be required by the construction of said railroad; (b) and the odd sections of land hereby granted shall not be liable to sale, or entry, or preemption before or after they are surveyed, except by said company, as provided by this act; but the provisions of the act of September, eighteen hundred and forty-one, granting preemption rights, and the acts amendatory thereof, and of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May twenty, eighteen hundred and sixty-two, shall be, and the same are hereby, extended to all other lands on the line of said road, when surveyed, excepting those hereby granted to said company. And the reserved alternate sections shall not be sold by the Government at a price less than two dollars and fifty cents per acre, when offered for sale. (c)

Company may take lands necessary for its road.

SEC. 7. *And be it further enacted*, That the said "Northern Pacific Railroad Company" be, and is hereby, authorized and empowered to enter upon, purchase, take, and hold any lands or premises that may be necessary and proper for the construction and working of said road, not exceeding in width two hundred feet on each side of the line of its railroad, unless a greater width be required for the purpose of excavation or embankment; and also any lands or premises that may be necessary

and proper for turn-outs, standing-places for cars, depots, station-houses, or any other structures required in the construction and working of said road. And the said company shall have the right to cut and remove trees and other material that might, by falling, encumber its road-bed, though standing or being more than two hundred feet from the line of said road. And in case the owner of such lands or premises and the said company cannot agree as to the value of the premises taken, or to be taken, for the use of said road, the value thereof shall be determined by the appraisal of three disinterested commissioners, who may be appointed, upon application by either party, to any court of record in any of the Territories in which the lands or premises to be taken lie; and said commissioners, in their assessment of damages, shall appraise such premises at what would have been the value thereof if the road had not been built. And upon return into court of such appraisal, and upon the payment into the same of the estimated value of the premises taken for the use and benefit of the owner thereof, said premises shall be deemed to be taken by said company, which shall thereby acquire full title to the same for the purposes aforesaid. And either party feeling aggrieved at said appraisal may, within thirty days after the same has been returned into court, file an appeal therefrom, and demand a jury of twelve men to estimate the damage sustained; but such appeal shall not interfere with the rights of said company to enter upon the premises taken, or to do any act necessary and proper in the construction of its road. And said party appealing shall give bonds, with sufficient surety or sureties, for the payment of any cost that may arise upon such appeal; and in case the party appealing does not obtain a verdict, increasing or diminishing, as the case may be, the award of the commissioners, such party shall pay the whole cost incurred by the appellee, as well as his own, and the payment into court, for the use of the owner of said premises taken, of a sum equal to that finally awarded, shall be held to vest in said company the title of said land, and of the right to use and occupy the same for the construction, maintenance, and operation of said road. And in case any of the lands to be taken, as aforesaid, shall be held by any infant, femme covert, non compos, insane person, or persons residing without the Territory within which the lands to be taken lie, or persons subjected to any legal disability, the court may appoint a guardian for any party under any disqualification, to appear in proper person, who shall give bonds, with sufficient surety or sureties, for the proper and faithful execution of his trust, and who may represent in court the person disqualified, as aforesaid, from appearing, when the same proceedings shall be had in reference to the appraisal of the premises to be taken for the use of said company, and with the same effect as has been already described; and the title of the company to the lands taken by virtue of this act shall not be affected or impaired by reason of any failure by any guardian to discharge faithfully his trust. And in case any party shall have a right or claim to any land for a term of years, or any interest therein, in possession, reversion, or remainder, the value of any such estate, less than a fee-simple, shall be estimated and determined in the manner hereinbefore set forth. And in case it shall be necessary for the company to enter upon any lands which are unoccupied, and of which there is no apparent owner or claimant, it may proceed to take and use the same for the purposes of said railroad, and may institute proceedings, in manner described, for the purpose of ascertaining the value of, and of acquiring title to, the same; but the judge of the court hearing said suit shall determine the kind of notice to be served on such owner or owners, and he may in its discretion appoint an agent or guardian to represent such owner or owners in case of his or their incapacity or non-appearance. But in case no claimant shall appear within six years from the time of the opening of said road across any land, all claims to damages against said company shall be barred.

Damages, how determined.

Appeal from assessment.

Lands held by infants or persons under any legal disability.

Claims to be made within six years.

Conditions of grant.

SEC. 8. *And be it further enacted*, That each and every grant, right, and privilege herein are so made and given to, and accepted by, said Northern Pacific Railroad Company, upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than fifty miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the fourth day of July, anno Domini eighteen hundred and seventy-six.

SEC. 9. *And be it further enacted*, That the United States make the several conditioned grants herein, and that the said Northern Pacific

If company breaks condi.

tious, &c., the United States may complete the road.

Any person may subscribe to stock.

No mortgage unless, &c.

Railroad to be post-route and military road.

Company to signify in writing its acceptance of terms, &c., of grant.

Annual report of directors.

President and other officers.

Term of office of president and other officers.

Quorum.

By-laws.

Power of directors.

Payment of cash assessment.

Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upwards of one year, then, in such case, at any time hereafter, the United States, by its Congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

SEC. 10. *And be it further enacted*, That all people of the United States shall have the right to subscribe to the stock of the Northern Pacific Railroad Company until the whole capital named in this act of incorporation is taken up, by complying with the terms of subscription; and no mortgage or construction bonds shall ever be issued by said company on said road, or mortgage, or lien made in any way, except by the consent of the Congress of the United States.

SEC. 11. *And be it further enacted*, That said Northern Pacific Railroad, or any part thereof, shall be a post-route and a military road, subject to the use of the United States, for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation.

SEC. 12. *And be it further enacted*, That the acceptance of the terms, conditions, and impositions of this act by the said Northern Pacific Railroad Company shall be signified in writing under the corporate seal of said company, duly executed pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within two years after the passage of this act, and not afterwards, and shall be served on the President of the United States.

SEC. 13. *And be it further enacted*, That the directors of said company shall make an annual report of their proceedings and expenditures, verified by the affidavits of the president and at least six of the directors, and they shall, from time to time, fix, determine, and regulate the fares, tolls, and charges to be received and paid for transportation of persons and property on said road, or any part thereof.

SEC. 14. *And be it further enacted*, That the directors chosen in pursuance of the first section of this act shall, so soon as may be after their election, elect from their own number a president and vice-president; and said board of directors shall, from time to time, and so soon as may be after their election, choose a treasurer and secretary, who shall hold their offices at the will and pleasure of the board of directors. The treasurer and secretary shall give such bonds, with such security as the said board from time to time may require. The secretary shall, before entering upon his duty, be sworn to the faithful discharge thereof, and said oath shall be made a matter of record upon the books of said corporation. No person shall be a director of said company unless he shall be a stockholder, and qualified to vote for directors at the election at which he shall be chosen.

SEC. 15. *And be it further enacted*, That the president, vice-president, and directors shall hold their offices for the period indicated in the by-laws of said company, not exceeding three years, respectively, and until others are chosen in their place, and qualified. In case it shall so happen that an election of directors shall not be made on any day appointed by the by-laws of said company, the corporation shall not for that excuse be deemed to be dissolved, but such election may be holden on any day which shall be appointed by the directors. The directors, of whom seven, including the president, shall be a quorum for the transaction of business, shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, the transfer of shares, the duties and conduct of their officers and servants touching the election and meeting of the directors, and all matters whatsoever which may appertain to the concerns of said company; and the said board of directors may have full power to fill any vacancy or vacancies that may occur from any cause or causes from time to time in their said board. And the said board of directors shall have power to appoint such engineers, agents, and subordinates as may from time to time be necessary to carry into effect the object of the company, and to do all acts and things touching the location and construction of said road.

SEC. 16. *And be it further enacted*, That it shall be lawful for the directors of said company to require payment of the sum of ten per centum cash assessment upon all subscriptions received of all subscribers, and

the balance thereof at such times and in such proportions and on such conditions as they shall deem to be necessary to complete the said road and telegraph line within the time in this act prescribed. Sixty days' previous notice shall be given of the payments required, and of the time and place of payment, by publishing a notice once a week in one daily newspaper in each of the cities of Boston, New York, Philadelphia, and Chicago; and in case any stockholder shall neglect or refuse to pay, in pursuance of such notice, the stock held by such person shall be forfeited absolutely to the use of the company, and also any payment or payments that shall have been made on account thereof, subject to the condition that the board of directors may allow the redemption on such terms as they may prescribe.

Notice.

Stock to be forfeited, &c.

SEC. 17. *And be it further enacted*, That the said company is authorized to accept to its own use any grant, donation, loan, power, franchise, aid, or assistance which may be granted to, or conferred upon, said company by the Congress of the United States, by the legislature of any State, or by any corporation, person, or persons; and said corporation is authorized to hold and enjoy any such grant, donation, loan, power, franchise, aid, or assistance, to its own use for the purposes aforesaid.

Company may accept, &c., grants.

SEC. 18. *And be it further enacted*, That said Northern Pacific Railroad Company shall obtain the consent of the legislature of any State through which any portion of said railroad line may pass, previous to commencing the construction thereof; but said company may have the right to put on engineers and survey the route before obtaining the consent of the legislature.

Company to gain consent of State legislatures, &c.

SEC. 19. *And be it further enacted*, That unless said Northern Pacific Railroad Company shall obtain bona-fide subscriptions to the stock of said company to the amount of two millions of dollars, with ten per centum paid within two years after the passage and approval of this act, it shall be null and void.

Act to be void, unless, &c.

SEC. 20. *And be it further enacted*, That the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the Government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes, Congress may, at any time, having due regard for the rights of said Northern Pacific Railroad Company, add to, alter, amend, or repeal this act. (a)

Act may be altered, &c.

(a) See Nos. 1840, 1844, 1853, 1865, 1871, 1872, 1874, 1875, 1876, 1877, 1878, 1881, 1882, 1886, 1889, 1892, 1896, 1902, 1906, 1911, 1915, 1917.

(b) See Nos. 1836, 1841, 1854, 1869, 1892.

(c) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1871, 1874, 1875, 1879, 1880, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1909, 1917.

No. 1874.—AN ACT extending the time for the completion of certain land-grant railroads in the States of Minnesota and Iowa, and for other purposes.

March 3, 1865.
Vol. 13, p. 536.

Be it enacted, &c., That the quantity of lands granted to the State of Minnesota, to aid in the construction of certain railroads in said State, as indicated in the first section of an [act] entitled "An act making a grant of land to the Territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said Territory, and granting public lands, in alternate sections, to the State of Alabama, to aid in the construction of a certain railroad in said State," approved March third, eighteen hundred and fifty-seven, shall be increased to ten sections per mile for each of said railroads and branches, subject to any and all limitations contained in said act and subsequent acts, and as hereinafter provided.

Additional land granted to Minnesota for railroads.

SEC. 2. *And be it further enacted*, That the first proviso in the first section of the act aforesaid shall be so amended as to read as follows, to wit: *Provided*, That the land to be so located shall in no case be further than twenty miles from the lines of said roads and branches, to aid in the construction of each of which said grant is made; and said lands granted shall, in all cases, be indicated by the Secretary of the Interior.

Lands granted to be taken within twenty miles of the road.

SEC. 3. *And be it further enacted*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement or other purpose whatever, be, and the same are hereby, reserved and excepted from the operations of this act, except so far as may be found necessary to locate the route of said road

Lands before reserved excepted from this act, except, &c.

through such reserved lands, in which case the right of way shall be granted, subject to the approval of the President of the United States: *Provided, further,* That any lands which may have been granted to the Territory or State of Minnesota for the purpose of aiding in the construction of any railroad, which lands may be located within the limits of this extension of said grant or grants, shall be deducted from the full quantity of lands hereby granted, and that any lands which may have been so granted shall be strictly applied in accordance with the terms and conditions of said act or acts, unless subsequently modified by law. (a)

Lands granted to the State for railroads included in this grant to be deducted.

Remaining lands not to be sold for less than double the minimum price.

To be first offered at public sale.

Bona-fide settlers may purchase.

Settlers under homestead act.

Lands granted to be disposed of by the legislature of Minnesota. Railroads to be public highways.

Mode of disposing of the lands.

Patents to issue from time to time as portions of the road are built, &c.

Lands not to be conveyed for certain roads.

Existing rights not interfered with.

SEC. 4. *And be it further enacted,* That the sections and parts of sections of land, which by said acts and this grant shall remain to the United States, within ten miles on each side of said roads and branches, shall not be sold for less than double the minimum price of public lands when sold, nor shall any of said lands become subject to sale at private entry until the same shall have been first offered at public sale to the highest bidder at or above the minimum price as aforesaid: *Provided,* That actual bona-fide settlers under the preemption laws of the United States may, after the proof of settlement, improvement, and occupation, as now provided by law, purchase the same at the increased minimum price: *And, provided, also,* That settlers under the provisions of the homestead law, who comply with the terms and requirements of said act, shall be entitled to patents for an amount not exceeding eighty acres each, anything in this act to the contrary notwithstanding. (b)

SEC. 5. *And be it further enacted,* That the lands hereby granted shall be subject to the disposal of the legislature of the State of Minnesota, for the purposes aforesaid, and no other. And the said railroads and branches shall be and remain public highways for the use of the Government of the United States, free of all toll or other charges upon the transportation of any property or troops of the United States.

SEC. 6. *And be it further enacted,* That the lands hereby and heretofore granted to said Territory or State of Minnesota shall be disposed of by said State for the purposes aforesaid only, and in manner following, namely: When the governor of said State shall certify to the Secretary of the Interior that any section of ten consecutive miles of said road is completed in a good, substantial, and workmanlike manner, as a first-class railroad, and the said secretary shall be satisfied that said State has complied in good faith with this requirement, the said Secretary of the Interior shall issue to the said State patents for all the lands granted and selected as aforesaid, not exceeding ten sections per mile, situated opposite to and within a limit of twenty miles of the line of said section of road thus completed, extending along the whole length of said completed section of ten miles of road, and no further. And when the governor of said State shall certify to the Secretary of the Interior, and the Secretary shall be satisfied that another section of said road, ten consecutive miles in extent, connecting with the preceding section or with some other first-class railroad, which may be at the time in successful operation, is completed as aforesaid, the said Secretary of the Interior shall issue to the said State patents for all the lands granted and situated opposite to and within the limit of twenty miles of the line of said completed section of road or roads, and extending the length of said section, and no further, not exceeding ten sections of land per mile for all that part of said road thus completed under the provisions of this act and the act to which this is an amendment, and so, from time to time, until said roads and branches are completed. And when the governor of said State shall so certify, and the Secretary of the Interior shall be satisfied that the whole of any one of said roads and branches is completed in a good, substantial, and workmanlike manner, as a first-class railroad, the said Secretary of the Interior shall issue to the said State patents to all the remaining lands granted for and on account of said completed road and branches in this act, situated within the said limits of twenty miles from the line thereof, throughout the entire length of said road and branches: *Provided,* That no land shall be granted or conveyed to said State under the provisions of this act on account of the construction of any railroad or part thereof that has been constructed under the provisions of any other act at the date of the passage of this act, and adopted as a part of the line of railroad provided for in this act: *And provided,* That nothing herein contained shall interfere with any existing rights acquired under any law of Congress heretofore enacted making grants of land to the State

of Minnesota to aid in the construction of railroads: *And provided*, That said lands, granted by this or prior acts, shall not in any manner be disposed of, except as the same are patented under the provisions of this act; and should the State fail to complete any one of said roads or branches within eight years after the passage of this act, then the said lands undisposed of as aforesaid, granted on account of said road or branches, shall revert to the United States.

SEC. 7. *And be it further enacted*, That as soon as the governor of the said State of Minnesota shall file or cause to be filed with the Secretary of the Interior maps designating the routes of said road and branches, then it shall be the duty of the Secretary of the Interior to withdraw from market the lands embraced within the provisions of this act.

SEC. 8. *And be it further enacted*, That the United States mail shall be transported on said road, under the direction of the Post-Office Department, at such price as Congress may by law provide: *Provided*, That until such price is fixed by law, the Postmaster-General shall have power to fix the rate of compensation.

SEC. 9. *And be it further enacted*, That the provisions of this act shall also be construed so as to apply and extend to that portion of the line authorized to be vacated by the joint resolution approved July twelfth, eighteen hundred and sixty-two, entitled "A joint resolution authorizing the State of Minnesota to change the line of certain branch railroads in said State, and for other purposes," notwithstanding the vacation thereof by said State, as though said joint resolution had not passed, and also to the line adopted by said State, in lieu of the portion of the line so vacated. (a)

(a) See Nos. 1840, 1844, 1853, 1865, 1871, 1873, 1875, 1876, 1877, 1878, 1881, 1882, 1886, 1890, 1892, 1896, 1902, 1906, 1911, 1915, 1917.

(b) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1863, 1869, 1871, 1873, 1875, 1879, 1880, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1909, 1917.

No. 1875.—AN ACT making an additional grant of lands to the State of Minnesota, in alternate sections, to aid in the construction of railroads in said State.

July 4, 1866.
Vol. 14, p. 27.

Be it enacted, &c., That there be, and is hereby, granted to the State of Minnesota, for the purpose of aiding in the construction of a railroad from Houston, in the county of Houston, through the counties of Fillmore, Mower, Freeborn, and Faribault, to the western boundary of the State; and also for a railroad from Hastings, through the counties of Dakota, Scott, Carver, and McLeod, to such point on the western boundary of the State as the legislature of the State may determine, every alternate section of land designated by odd numbers to the amount of five alternate sections per mile on each side of said road; but in case it shall appear that the United States have, when the lines or route of said roads are definitely located, sold any section, or part thereof, granted as aforesaid, or that the right of pre-emption or homestead settlement has attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior to cause to be selected, for the purposes aforesaid, from the public lands of the United States nearest to the tiers of sections above specified, so much land in alternate sections or parts of sections, designated by odd numbers, as shall be equal to such lands as the United States have sold, reserved, or otherwise appropriated, or to which the right of homestead settlement or pre-emption has attached as aforesaid, which lands, thus indicated by odd numbers and sections, by the direction of the Secretary of the Interior, shall be held by said State of Minnesota for the purposes and uses aforesaid: *Provided*, That the land so selected shall in no case be located more than twenty miles from the lines of said road: *And provided further*, That no land shall be granted or transferred by the provisions of this act not included within the jurisdiction of the State of Minnesota: *And provided further*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or other purpose whatever, be, and the same are hereby, reserved and excepted from the operations of this act, except so far as it may be found necessary to locate the route of said road through such reserved lands, in which case the right of way shall be granted, provided the United States has yet in possession the title thereto. (a)

Additional grants of lands to Minnesota for railroads.
Description of railroads.

If lands have been disposed of, &c., other lands to be selected in lieu thereof.

But within twenty miles of lines of road, and the jurisdiction of Minnesota.

Reserved lands not granted.

Right of way.

- Price of lands remaining to the United States. **SEC. 2. And be it further enacted,** That the sections and parts of sections of land which by such grant shall remain to the United States within ten miles on each side of said road shall not be sold for less than double the minimum price of public lands when sold, nor shall any of said lands become subject to sale at private entry until the same shall have been first offered at public sale to the highest bidder at or above the minimum price as aforesaid: *Provided,* That actual bona-fide settlers under the pre-emption laws of the United States may, after due proof of settlement, improvement, and occupation as now provided by law, purchase the same at the increased minimum price: *And provided also,* That settlers under the provisions of the homestead law who shall make entries after the passage of this act, upon the sections numbered by even numbers, and who comply with the terms and requirements of said act shall be entitled to patents for an amount not exceeding eighty acres each, anything in this act to the contrary notwithstanding. (b)
- Lands to be first offered at public sale. **SEC. 3. And be it further enacted,** That the lands hereby granted shall be subject to the disposal of the legislature of Minnesota for the purposes aforesaid and no other; and the said railroad shall be and remain public highways for the use of the Government of the United States, free of all toll or other charges upon the transportation of any property or troops of the United States, and the same shall at all times be transported at the cost, charge, and expense in all respects of the company or corporation, or their successors or assigns, having or receiving the benefit of the land grants herein made.
- Pre-emption settlers. **SEC. 4. And be it further enacted,** That the lands hereby granted shall be disposed of by said State for the purposes aforesaid only, and in manner following, namely: When the governor of said State shall certify to the Secretary of the Interior that any section of ten consecutive miles of said road is completed, in a good, substantial, and workmanlike manner, as a first-class railroad, then the Secretary of the Interior shall issue to the State patents for all the lands in alternate sections, or parts of sections, designated by odd numbers, situated within twenty miles of the road so completed and lying coterminous to said completed section of ten miles, and not exceeding one hundred sections, for the benefit of the road having completed the ten consecutive miles as aforesaid: *Provided, however,* That the coterminous principle hereby applied shall not extend to such lands as are taken by the said railroad companies to make up deficiencies, provided that no land to make up such deficiencies shall be taken at any point within ten miles upon each side of the line of said roads. When the governor of said State shall certify that another section of ten consecutive miles shall have been completed as aforesaid, then the Secretary of the Interior shall issue patents to said State in like manner for a like number; and when certificates of the completion of additional sections of ten consecutive miles of said roads are from time to time made as aforesaid, additional sections of lands shall be patented as aforesaid, until said roads are completed, when the whole of the lands hereby granted shall be patented to the State for the uses aforesaid, and none other: *Provided,* That if said roads are not completed within ten years from the acceptance of this grant, the said lands hereby granted and not patented shall revert to the United States.
- Homestead settlers. **SEC. 5. And be it further enacted,** That as soon as the governor of said State shall file or cause to be filed with the Secretary of the Interior maps designating the routes of said roads, then it shall be the duty of the Secretary of the Interior to withdraw from market the lands embraced within the provisions of this act. (a)
- Lands granted, how to be disposed of. **SEC. 6. And be it further enacted,** That the United States mail shall be transported on said road, under the direction of the Post-Office Department, at such price as Congress may by law provide: *Provided,* That until such price is fixed by law, the Postmaster-General shall have power to fix the rate of compensation.
- Railroads to be public highways, and free to the United States.
- Lands, how to be disposed of. When governor shall certify that a section of ten consecutive miles is completed.
- Proviso.
- That another section of ten consecutive miles is completed.
- That additional sections are completed.
- That roads are completed.
- Roads to be completed in ten years; if not, unsold lands to revert to the United States.
- When maps are filed, lands granted hereby to be withdrawn from market.
- Mail to be carried over road, and at what price

(a) See Nos. 1840, 1844, 1853, 1865, 1871, 1872, 1873, 1874, 1876, 1877, 1878, 1881, 1882, 1886, 1889, 1892, 1896, 1902, 1906, 1911, 1915, 1917.

(b) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1871, 1873, 1874, 1879, 1880, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1909, 1917.

No. 1876.—AN ACT to amend "An act making a grant of lands to the State of Minnesota to aid in the construction of a railroad from St. Paul to Lake Superior," approved May fifth, eighteen hundred and sixty-four.

July 13, 1866.
Vol. 14, p. 93.

Be it enacted, &c., That section one of the act entitled "An act making a grant of lands to the State of Minnesota to aid in the construction of the railroad from Saint Paul to Lake Superior," approved May fifth, eighteen hundred and sixty-four, be amended by adding thereto the following: *Provided further,* That in case it shall appear, when the line of the Lake Superior and Mississippi Railroad is definitely located, that the quantity of land intended to be granted by the said act in aid of the construction of the said road shall be deficient by reason of the line thereof running near the boundary line of the said State of Minnesota, the said company shall be entitled to take from other public lands of the United States within thirty miles of the west line of said road such an amount of lands as shall make up such deficiency: *Provided,* That the same shall be taken in alternate odd sections as provided for in said act. (a)

If land intended to be granted is deficient by reason of nearness of boundary line of the State, how deficiency may be made up.

Odd sections.

(a) See Nos. 1840, 1844, 1853, 1865, 1871, 1872, 1873, 1874, 1875, 1877, 1878, 1881, 1882, 1886, 1889, 1892, 1896, 1902, 1906, 1911, 1915, 1917.

No. 1877.—AN ACT relating to lands granted to the State of Minnesota to aid in constructing railroads.

July 13, 1866.
Vol. 14, p. 97.

Be it enacted, &c., That whenever it shall appear that the United States have sold or disposed of any lands granted to the Territory or State of Minnesota for the purpose of aiding in the construction of railroads, after the definite location of the line of road, and before the withdrawal of said lands from sale at the proper local land office, said State may by its agent select, in lieu of the lands so sold or disposed of, from any of the lands of the United States subject to sale, being odd-numbered sections, within twenty miles of the line of the proper road, a quantity of land equal to that so sold or disposed of; and the lands so selected shall be substituted for those so sold or disposed of by the United States, and may be disposed of by said State in all respects as if said substituted lands had been parcel of the original grant to the State: *Provided, however,* That nothing herein contained shall be so construed as to diminish the quantity of land granted by act of May fifth, eighteen hundred and sixty-four, to the State of Minnesota to aid in the construction of a railroad from St. Paul to Lake Superior.

Lands may be selected by Minnesota in lieu of lands sold or disposed of within limits of grants.

SEC. 2. *And be it further enacted,* That the time named in the act granting lands to the Territory of Minnesota to aid in the construction of a certain railroad, "from Saint Paul and from Saint Anthony, by the way of Minneapolis, to a convenient point of junction west of the Mississippi River, to the southern boundary of the Territory," approved March third, eighteen hundred and fifty-seven, for the construction and completion of said road, is hereby extended for seven years from the passage of this act.

Amounts granted not limited hereby.

SEC. 3. *And be it further enacted,* That all the lands heretofore granted to the Territory and State of Minnesota to aid in the construction of railroads, shall be certified to said State by the Secretary of the Interior, from time to time, whenever any of said roads shall be definitely located, and shall be disposed of by said State in the manner and upon the conditions provided in the particular act granting the same, as modified by the provisions of this act: *Provided,* That when the original quantity granted to aid in the construction of any road has been increased, the quantity authorized to be sold from time to time shall be increased correspondingly: *And provided, further,* That on the completion of any ten miles of road, the State may sell one-half the quantity of lands which said State is authorized to dispose of on the completion of twenty miles.

Lands granted how to be certified and disposed of.

If original grant has been increased.

State may sell, &c.

SEC. 4. *And be it further enacted,* That the lands granted by any act of Congress to the State of Minnesota, to aid in the construction of railroads in said State, specifically, lying in place, on any division of ten miles of road, shall not be disposed of until the road shall be completed through and coterminous with the same: *Provided, however,* That this provision shall not extend to any lands authorized to be taken to make up deficiencies.

Lands granted to the State, on any ten miles of road, not to be disposed of until, &c.

SEC. 5. *And be it further enacted,* That so much of any act as conflicts with the provisions of this act is hereby repealed. (a)

Repeal of inconsistent laws.

(a) See Nos. 1840, 1844, 1853, 1865, 1871, 1872, 1873, 1874, 1875, 1876, 1878, 1881, 1882, 1886, 1889, 1892, 1896, 1902, 1906, 1911, 1915, 1917

May 7, 1866.
Vol. 14, p. 353.

Time extended
for commence-
ment and com-
pletion of rail-
road.

No. 1878.—A RESOLUTION extending the time for the completion of the Union Pacific Railway, eastern division.

Sec. 2. And be it further resolved, That the time for commencing and completing the Northern Pacific Railroad, and all its several sections, is extended for the term of two years. (a)

(a) See Nos. 1840, 1844, 1853, 1865, 1871, 1873, 1874, 1875, 1876, 1877, 1881, 1882, 1886, 1889, 1892, 1896, 1902, 1906, 1911, 1915, 1917.

Feb. 8, 1867.
Vol. 14, p. 640.

Certain settlers
on the Sioux res-
ervation may en-
ter their lands at
the minimum
price, &c.

No. 1879.—JOINT RESOLUTION for the relief of certain settlers on the Sioux reservation, in the State of Minnesota.

Be it resolved, &c., That those persons who settled and made improvements upon lands now included in the Sioux reservation in Minnesota, (a) and filed notice of their claims in the proper local land office, before the boundaries of said reservation were definitely surveyed and located, shall be, and are hereby authorized to enter the lands thus settled upon, as in other cases of pre-emption, upon the payment of one dollar and twenty-five cents per acre therefor, under such rules and regulations as may be provided by the Secretary of the Interior. (b)

(a) See Nos. 1880, 1887, 1901, 1904, 1909.

(b) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1871, 1873, 1874, 1875, 1880, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1909, 1917.

March 6, 1868.
Vol. 15, p. 39.

Actual settlers
on the late Sioux
reservation in
Minnesota, who
have filed state-
ments under pre-
emption laws, to
have two years
to make proof
and pay.

No. 1880.—AN ACT for the relief of settlers on the late Sioux Indian reservation in the State of Minnesota.

Be it enacted, &c., That all actual settlers, who have duly filed their declaratory statements under the pre-emption laws with the register of the proper local land office, upon the unsold lands now included within the limits of the late Sioux Indian reservation, in the State of Minnesota, (a) shall be allowed two years from and after the passage of this act within which to make proof and payment for their claims, in accordance with the provisions of the second and third sections of the act approved March third, eighteen hundred and sixty-three, providing for the disposal of said reservation. (b)

(a) See Nos. 1879, 1887, 1901, 1904, 1909.

(b) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1871, 1873, 1874, 1875, 1879, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1909, 1917.

June 25, 1868.
Vol. 15, p. 79.

No. 1881.—AN ACT relative to filing reports of railroad companies.

[Reports of Northern Pacific Railroad Company to be made on or before October 1 in each year to Secretary of Interior. See NEBRASKA, Nos. 2107, 2130.]

July 1, 1868.
Vol. 15, p. 253.

Time for com-
pleting Northern
Pacific Railroad
extended.

No. 1882.—JOINT RESOLUTION extending the time for the completion of the Northern Pacific Railroad.

Be it resolved, &c., That section eight of an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast," is hereby so amended as to read as follows: That each and every grant, right, and privilege herein, are so made and given to and accepted by said Northern Pacific Railroad Company upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from and after the second day of July, eighteen hundred and sixty-eight, and shall complete not less than one hundred miles per year after the second year thereafter, and shall construct, equip, furnish, and complete the whole road by the fourth day of July, anno Domini eighteen hundred and seventy-seven. (a)

(a) See Nos. 1840, 1844, 1853, 1865, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1881, 1886, 1889, 1892, 1896, 1902, 1906, 1911, 1915, 1917.

July 23, 1868.
Vol. 15, p. 169.

Land grant to
Minnesota to
build a lock and
dam, to aid the

No. 1883.—AN ACT making a grant of land to the State of Minnesota to aid in the improvement of the navigation of the Mississippi River.

Be it enacted, &c., That there be, and hereby is, granted to the State of Minnesota, for the purpose of aiding said State in constructing and completing a lock and dam at Meeker's Island, (so called,) in the Mississippi River, in said State, and thereby facilitating the navigation of

the Mississippi River between the Falls of St. Anthony and the mouth of the Minnesota River, two hundred thousand acres of public lands, to be selected in alternate odd-numbered sections by an agent to be appointed by the governor of said State, subject to the approval of the Secretary of the Interior: *Provided*, That said lands shall be selected from the public lands lying within the limits of the said State of Minnesota, and that not more than one section thereof shall be selected in any one township: *Provided further*, That said selections shall not be made from any lands containing mines of gold, silver, cinnabar, or copper, nor from any lands to which rights of pre-emption or homestead have attached.

Lands, how to be selected.

Not to be from certain lands.

SEC. 2. *And be it further enacted*, That said lands so granted shall be subject to the disposal of the legislature of said State for the purposes mentioned in the first section of this act, and no other; and the said lock and dam shall be and remain forever a public highway, free from any toll or charge of any kind whatever; and the said legislature shall have power to pass all needful rules and regulations that may be necessary to fully carry out the purposes of this act.

How to be disposed of.

Lock and dam to be a public highway.

SEC. 3. *And be it further enacted*, That the work shall be done under the direction of the engineer department of the United States, according to the plan and estimate submitted by Major-General Warren, and that if said lock and dam are not constructed within two years from and after the date of the acceptance and disposition of this grant by the legislature of the said State, the lands hereby granted shall revert to the United States.

Work, how to be performed.

Lands to revert to the United States, if, &c.

SEC. 4. *And be it further enacted*, That at any time after the selection of the said lands, and subsequent to the completion of said lock and dam, the lands hereby granted shall be open for settlement by actual settlers upon paying to the State of Minnesota a price not exceeding one dollar and twenty-five cents per acre for the same, which shall be paid by the State to the company who may construct said lock and dam.

Lands, when to be open to actual settlers, and on what terms.

SEC. 5. *And be it further enacted*, That if at any time prior to the completion of the said lock and dam the Government of the United States shall make an appropriation in money sufficient to construct said lock and dam, then the grant of lands herein made shall revert to the United States: *Provided*, That this act shall have no effect on lands already granted for railroad purposes.

If sufficient appropriation is made to complete the dam, lands to revert. *Provided*.

NO. 1884.—AN ACT to create an additional land district in the State of Minnesota.

July 25, 1868.

Vol. 15, p. 184.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to establish an additional land district in the State of Minnesota, embracing all that part of the present Northwestern land district which lies north of township number one hundred and twenty-four north, and west of range number thirty-five, west of the fifth principal meridian, and to fix, from time to time, the boundaries thereof, which district shall be named after the place at which the office shall first be established; and the President shall have power to fix, from time to time, the location of the office for such district.

Additional land district authorized in Minnesota.

Boundaries. Name, location of office.

SEC. 2. *And be it further enacted*, That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a register and receiver for said land district, who shall be required to reside at the site of the land office for said district, who shall be subject to the same laws and responsibilities, and whose compensation respectively shall be the same as that now allowed by law to other land officers in said State. (a)

Register and receiver, their residence and pay.

(a) See Nos. 630, 1833, 1836, 1837, 1839, 1849, 1850, 1852, 1865, 1897, 1899.

NO. 1885.—JOINT RESOLUTION explanatory of the act to create an additional land office in the State of Minnesota, approved July twenty-fifth, eighteen hundred and sixty-eight.

Jan. 14, 1869.

Vol. 15, p. 343.

Be it resolved, &c., That the limits of the land district as designated in the act entitled "An act to create an additional land district in the State of Minnesota," approved July twenty-fifth, eighteen hundred and sixty-eight, to wit: "all that part of the Northwestern land district which lies north of township number one hundred and twenty-four

Construction of limits of land district in Minnesota.

north and west of range number thirty-five west of the fifth principal meridian," shall be construed to embrace all the lands north of township one hundred and twenty-four and west of said range thirty-five. (a)

(a) See Nos. 630, 1833, 1836, 1837, 1839, 1849, 1850, 1858, 1864, 1897, 1899.

March 1, 1869.
Vol. 15, p. 346.

Consent of Congress given to the Northern Pacific Railroad Company to issue its bonds, &c.

No. 1886.—JOINT RESOLUTION granting the consent of Congress provided for in section ten of the act incorporating the Northern Pacific Railroad Company, approved July second, eighteen hundred and sixty-four.

Be it resolved, &c., That the consent of the Congress of the United States is hereby given to the Northern Pacific Railroad Company to issue its bonds, and to secure the same by mortgage upon its railroad and its telegraph line, for the purpose of raising funds with which to construct said railroad and telegraph line between Lake Superior and Puget Sound, and also upon its branch to a point at or near Portland, Oregon; and the term "Puget Sound," as used here and in the act incorporating said company, is hereby construed to mean all the waters connected with the straits of Juan de Fuca within the territory of the United States. (a)

(a) See Nos. 1840, 1844, 1853, 1865, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1881, 1889, 1889, 1892, 1896, 1902, 1906, 1911, 1915, 1917.

March 14, 1870.
Vol. 16, p. 370.

Certain settlers on the Sioux Indian reservation in Minnesota to have until March 1, 1871, to make proof and pay.

No. 1887.—A RESOLUTION in relation to settlers on the late Sioux Indian reservation in the State of Minnesota.

Resolved, &c., That the act of Congress, approved March sixth, eighteen hundred and sixty-eight, entitled "An act for the relief of settlers on the late Sioux Indian reservation in the State of Minnesota," (a) be, and the same is hereby, so amended as to allow the settlers therein provided for until the first day of March, anno Domini eighteen hundred and seventy-one, in which to make proof and payment for their claims. (b)

(a) See Nos. 1879, 1880, 1901, 1904, 1909.

(b) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1871, 1873, 1874, 1875, 1879, 1880, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1909, 1917.

May 7, 1870.
Vol. 16, p. 376.

Part of Fort Snelling military reservation set apart for permanent military post.

No. 1888.—A RESOLUTION for setting apart a portion of the Fort Snelling military reservation for a permanent military post, and the settlement of all claims in relation thereto.

Resolved, &c., That the Secretary of War be, and hereby is, authorized and empowered to select and set apart for a permanent military post so much of the military reservation of Fort Snelling, not less than one thousand acres, as the public interest may require for that purpose, and to quiet the title to said reservation, and to settle all claims in relation thereto, and for the use and occupation thereof, upon principles of equity. (a)

(a) See No. 1836.

May 31, 1870.
Vol. 16, p. 378.

Northern Pacific Railroad Company may issue bonds secured by mortgage.

Mortgage to be filed, &c., in &c., as proof of its execution.

Location, &c.

No. 1889.—A RESOLUTION authorizing the Northern Pacific Railroad Company to issue its bonds for the construction of its road and to secure the same by mortgage, and for other purposes.

Resolved, &c., That the Northern Pacific Railroad Company be, and hereby is, authorized to issue its bonds to aid in the construction and equipment of its road, and to secure the same by mortgage on its property and rights of property of all kinds and descriptions, real, personal, and mixed, including its franchise as a corporation; and, as proof and notice of its legal execution and effectual delivery, said mortgage shall be filed and recorded in the office of the Secretary of the Interior; and also to locate and construct, under the provisions and with the privileges, grants, and duties provided for in its act of incorporation, its main road to some point on Puget Sound, via the valley of the Columbia River, with the right to locate and construct its branch from some convenient point on its main trunk line across the Cascade Mountains to Puget Sound; and in the event of there not being in any State or Territory in which said main line or branch may be located, at the

time of the final location thereof, the amount of lands per mile granted by Congress to said company, within the limits prescribed by its charter, then said company shall be entitled, under the directions of the Secretary of the Interior, to receive so many sections of land belonging to the United States, and designated by odd numbers, in such State or Territory, within ten miles on each side of said road, beyond the limits prescribed in said charter, as will make up such deficiency, on said main line or branch, except mineral and other lands as excepted in the charter of said company of eighteen hundred and sixty-four, to the amount of the lands that have been granted, sold, reserved, occupied by homestead settlers, pre-empted, or otherwise disposed of subsequent to the passage of the act of July two, eighteen hundred and sixty-four. And that twenty-five miles of said main line between its western terminus and the city of Portland, in the State of Oregon, shall be completed by the first day of January, anno Domini eighteen hundred and seventy-two, and forty miles of the remaining portion thereof each year thereafter, until the whole shall be completed between said points: *Provided*, That all lands hereby granted to said company which shall not be sold or disposed of or remain subject to the mortgage by this act authorized, at the expiration of five years after the completion of the entire road, shall be subject to settlement and pre-emption like other lands, at a price to be paid to said company not exceeding two dollars and fifty cents per acre; and if the mortgage hereby authorized shall at any time be enforced by foreclosure or other legal proceeding, or the mortgaged lands hereby granted, or any of them, be sold by the trustees to whom such mortgage may be executed, either at its maturity or for any failure or default of said company under the terms thereof, such lands shall be sold at public sale, at places within the States and Territories in which they shall be situate, after not less than sixty days' previous notice, in single sections or subdivisions thereof, to the highest and best bidder: *Provided further*, That in the construction of the said railroad, American iron or steel only shall be used, the same to be manufactured from American ores exclusively.

Deficiency in lands how may be made up.

Twenty-five miles of road to be completed by January 1, 1872, and forty miles each year thereafter.

Lands unsold, &c., after five years from completion of road to be subject to settlement and pre-emption at not over \$2.50 per acre.

Proviso in case of foreclosure.

American iron or steel made, &c., to be used exclusively.

SEC. 2. *And be it further resolved*, That Congress may at any time alter or amend this joint resolution, having due regard to the rights of said company, and any other parties. (a)

Resolution may be altered, &c.

(a) See Nos. 1840, 1844, 1853, 1863, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1881, 1882, 1886, 1892, 1896, 1902, 1906, 1911, 1915, 1917.

No. 1890.—AN ACT for the disposal of the lands within the Fort Ridgely military reservation, Minnesota.

July 1, 1870.
Vol. 16, p. 187.

Be it enacted, &c., That the War Department having abandoned the Fort Ridgely reservation, it shall be the duty of the Secretary of War, immediately upon the passage of this act, to cause to be appraised the Government improvements upon said reservation, and shall report the value thereof to the Commissioner of the General Land Office, designating the particular legal subdivision of land upon which the same exist; and the lands within said reservation not heretofore entered and patented shall be subject to disposal under the pre-emption laws of the United States, or at private entry after public offering, and for cash only, and persons entering upon or purchasing said lands shall pay the appraised value of the Government improvements that may appear to exist on their respective claims at the date of proving up, or of purchase at private entry. (a)

Lands within the Fort Ridgely military reservation, Minnesota, to be disposed of.

SEC. 2. *And be it further enacted*, That all entries which have been made on lands within the limits of the said reserve, and for which the General Land Office may have issued patents in regular form, not having, at the time, knowledge of said reserve, be, and the same are hereby, confirmed: *Provided*, That the value of the Government improvements thereon have been, or shall be, paid for by the persons making said entries, or by their assigns: *And provided further*, That the same shall be paid for within one year from the passage of this act; and if the same are not paid for within the time designated, the Secretary of the Interior is hereby authorized to, and shall immediately thereafter, institute judicial proceedings against any and all of the said parties, or their assigns, failing to make said payment, with the view to vacate the patents which may have issued.

Certain entries confirmed.

Value of improvements to be paid for in one year, if not, &c.

Certain entries heretofore made declared null.

SEC. 3. *And be it further enacted*, That all entries heretofore made on said lands, and not yet patented, are hereby declared, at the discretion of the Commissioner, null and void, and directed to be cancelled by the said Commissioner of the General Land Office, and the lands embraced therein shall be disposed of under the provisions of this act. (b)

(a) See Nos. 1901, 1909.

(b) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1871, 1873, 1874, 1875, 1879, 1880, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1909, 1917.

July 8, 1870.
Vol. 16, p. 196.

Certain selections of lands made by the governor of Minnesota to be approved, and to what amount.

NO. 1891.—AN ACT authorizing the allowance of the claim of the State of Minnesota to lands for the support of a State university.

Be it enacted, &c., That the Commissioner of the General Land Office be, and he is hereby, authorized and directed, in adjusting the claim of the State of Minnesota to lands for the support of a State university, to approve and certify selections of land, made by the governor of said State, to the full amount of seventy-two sections mentioned in the act of Congress approved February twenty-sixth, eighteen hundred [and] fifty-seven, without taking into the account the lands that were reserved at the time of the admission of the State into the Union, and donated to said State by the act of Congress approved March second, eighteen hundred and sixty-one. (a)

(a) See Nos. 1835, 1853, 1864.

July 15, 1870.
Vol. 16, p. 305.

NO. 1892.—AN ACT making appropriations for sundry civil expenses of the Government for the year ending June thirty, eighteen hundred and seventy-one, and for other purposes.

Survey of public lands within the grant to Northern Pacific Railroad Company.

Part to be expended where. Cost of surveying, &c., to be paid before conveyances are made.

For the survey of the public lands within the limits of the land grant to the Northern Pacific Railroad Company in a direct line extending from Du Luth, on Lake Superior, to Georgetown, on the Red River of the North, ninety-five thousand nine hundred and eighty dollars: *Provided*, That five thousand dollars of this appropriation shall be expended for office work by the surveyor-general of Minnesota: (a) *And provided further*, That before any land granted to said company by the United States shall be conveyed to any party entitled thereto under any of the acts incorporating or relating to said company, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same, by the said company or party in interest. (b)

(a) See Nos. 1836, 1841, 1854, 1869, 1873.

(b) See Nos. 1840, 1844, 1853, 1865, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1881, 1882, 1888, 1889, 1896, 1902, 1906, 1911, 1915, 1917.

July 15, 1870.
Vol. 16, p. 335.

NO. 1893.—AN ACT making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian Tribes for the year ending June thirty, eighteen hundred and seventy-one, and for other purposes.

Indian agents to report.

Proceeds of sales of reservations of the Sisseton, &c., bands of Sioux Indians, how to be applied.

Same subject.

Claims of certain Winnebagoes in Minnesota to be investigated, &c.
Patents to issue, &c.

SEC. [7.] *And be it further enacted*, That the act approved March three, eighteen hundred and sixty-three, entitled "An act for the removal of the Sisseton, Wahpeton, Medawakanton, and Wapakoota bands of Sioux or Dakota Indians, and for the disposition of their lands in Minnesota and Dakota," be so amended as to make the proceeds of the sale of the reservations in said act ordered to be sold applicable alike to all the reservations upon which Medawakanton, and Wakapoota and Sisseton and Wahpeton have been or may hereafter be located. (a)

SEC. [8.] *And be it further enacted*, That said proceeds shall be distributed and paid equitably to the said Indians in proportion to their numbers, under the direction of the Secretary of the Interior, and in accordance with existing laws: *Provided*, that this provision shall apply only to the funds to be hereafter distributed.

SEC. [9.] *And be it further enacted*, That the Secretary of the Interior be, and hereby is, directed to cause to be investigated and to determine the claims of certain Indians of the Winnebago tribe now lawfully residing in the State of Minnesota; to issue patents without the right of alienation to those of them whom he shall find to be entitled thereto for the lands heretofore allotted to them in severalty, or which may have been designated by them for allotment, under the provisions of the treaty ratified March sixteen, eighteen hundred and sixty-one, or

of an act entitled "An act for the removal of the Winnebago Indians, and for the sale of their reservation in Minnesota for their benefit," approved February twenty-one, eighteen hundred and sixty-three, and which may not have been sold or disposed of by the United States; and in case of such sale, then such land as may be hereafter designated by them for allotment as aforesaid out of any unsold lands within the limits of said Winnebago reservation in Minnesota, and should it be impracticable to make such allotments within the limits of said reservation on good agricultural lands, then they may be made on any public lands of the United States subject to sale at private entry within the State of Minnesota. And the said Winnebago Indians, and all others being members of said tribe lawfully residing in the State of Minnesota, shall hereafter be entitled to receive their pro rata distributive proportion of all annuities in goods, money, or property, and any other moneys to which said tribe is or may be entitled under any law or treaty now in force, at their homes in Minnesota, the same as though they had removed west and settled with the western Winnebagoes.

Proviso if lands have been sold.

Winnebagoes in Minnesota entitled to their proportion of annuities.

SEC. [10.] *And be it further enacted*, That if at any time hereafter any of the said Indians shall desire to become citizens of the United States they shall make application to the judge of the district court of the United States for the district of Minnesota, and in open court make the same proof and take the same oath of allegiance as is provided by law for the naturalization of aliens, and shall also make proof to the satisfaction of said court that they are sufficiently intelligent and prudent to control their affairs and interests; that the[y] have adopted the habits of civilized life, and have for at least five years previous thereto been able to support themselves and families; whereupon they shall be declared by said court to be citizens of the United States, which declaration shall be entered of record, and a certificate thereof given to said party. On the presentation of the said certificate to the Secretary of the Interior, with satisfactory proof of identity, he may at the request of such person or persons cause the land severally held by them to be conveyed to them by patent in fee-simple, with power of alienation, and may at the same time cause to be paid to them their proportion of all the moneys and effects of said tribe held in trust by or under the provisions of any treaty or law of the United States. And on such patents being issued, and such payments ordered to be made, such persons shall cease to be members of said tribe, and thereafter the lands so patented to them shall be subject to levy, taxation, and sale, in like manner with the property of other citizens.

Such Indians desiring to become citizens of the United States to do what.

May be declared to be citizens.

Lands may be conveyed to them in fee-simple, and portion of money paid.

Such persons to cease to be members of the tribe, &c., upon, &c.

(a) See Nos. 1867, 1868, 1869.

No. 1894.—AN ACT for the relief of Zachariah Pettijohn.

Be it enacted, &c., That the claim of Zachariah Pettijohn, made under the homestead act of May twentieth, eighteen hundred and sixty-two, to the northwest quarter of section thirty, in township one hundred and seventeen of range twenty-eight in the district of lands subject to sale at Greenleaf, Minnesota, be, and the same is hereby, confirmed; and upon the completion of such claim by payment of the final commissions required by the aforesaid act, the Secretary of the Interior shall cause to be issued to the said Zachariah Pettijohn a patent for the said land as in other cases.

Jan. 10, 1871.
Vol. 16, p. 677.

Claim of Zachariah Pettijohn under homestead act confirmed.

Patent to issue.

No. 1895.—AN ACT to provide for the disposition of useless military reservations.

[Portion of Fort Abercrombia reservation to be sold. See WASHINGTON TERRITORY, No. 2305.]

Feb. 24, 1871.
Vol. 16, p. 430.

No. 1896.—AN ACT authorizing the St. Paul and Pacific Railroad Company to change its line in consideration of a relinquishment of lands.

Be it enacted, &c., That the Saint Paul and Pacific Railroad Company may so alter its branch lines that, instead of constructing a road from Crow Wing to St. Vincent, and from St. Cloud to the waters of Lake Superior, it may locate and construct, in lieu thereof, a line from Crow Wing to Brainerd, to intersect with the Northern Pacific Railroad, and from St. Cloud to a point of intersection with the line of the original grant at or near Otter Tail or Rush Lake, so as to form a more direct

March 3, 1871.
Vol. 16, p. 588.

St. Paul and Pacific Railroad Company may alter its branch lines.
New location.

Proportional route to St. Vincent, with the same proportional grant of lands to be taken in the same manner along said altered lines, as is provided for

Grant not enlarged, and to shall in no manner enlarge said grant, and that this act shall only take effect upon condition of being in accord with the legislation of the State of Minnesota and upon the further condition that proper releases shall be made to the United States by said company, of all lands along said abandoned lines from Crow Wing to St. Vincent, and from St. Cloud to Lake Superior, and that upon the execution of said releases such lands so released shall be considered as immediately restored to market without further legislation. (a)

Certain lands restored to market.

(a) See Nos. 1840, 1844, 1853, 1865, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1881, 1882, 1886, 1889, 1893, 1902, 1906, 1911, 1915, 1917.

March 12, 1872. Vol. 17, p. 38. **No. 1897.**—AN ACT to create an additional land district in the State of Minnesota.

Be it enacted, f.c., That the President of the United States be, and he is hereby, authorized to establish an additional land district in the State of Minnesota, embracing all that part of the present Alexandria land district which lies north of township number one hundred and thirty-six north, and west of range number thirty-five west of the fifth principal meridian, and to fix from time to time the boundaries thereof, which district shall be named after the place at which the office shall first be established; and the President shall have power to fix from time to time the location of the office for such district.

Boundaries and office.

Register and receiver, their residence, powers, and pay.

SEC. 2. That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a register and receiver for said land district, who shall be required to reside at the site of the land office for said district, who shall be subject to the same laws and responsibilities, and whose compensation, respectively, shall be the same as that now allowed by law to other land officers in said State. (a)

(a) See Nos. 630, 1833, 1836, 1837, 1839, 1849, 1850, 1858, 1864, 1885, 1899.

May 9, 1872. Vol. 17, p. 88.

No. 1898.—AN ACT to extend the time of payment for their lands by persons holding pre-emptions on the public lands in the States of Minnesota, Wisconsin, and Michigan, and Territory of Dakota.

Persons holding pre-emptions on public lands in certain States to have one year additional to make final proof, &c.

Be it enacted, f.c., That all persons holding pre-emptions upon any of the public lands of the United States within the States of Minnesota, Wisconsin, and Michigan, and Territory of Dakota, whose final payment has not been made, shall be allowed the additional time of one year in which to make final proof and payment from the time at which such pre-emptions are required to be paid for by the present laws. (a)

(a) See Nos. 1836, 1839, 1840, 1841, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1871, 1873, 1874, 1875, 1879, 1880, 1887, 1890, 1895, 1900, 1901, 1904, 1905, 1909, 1917.

May 21, 1872. Vol. 17, p. 138.

No. 1899.—AN ACT to create an additional land district in the State of Minnesota.

Additional land district may be established in Minnesota.

Boundaries, name, and location of office.

Register and receiver, their pay, &c.

Be it enacted, f.c., That the President of the United States be, and he is hereby, authorized to establish an additional land district in the State of Minnesota, embracing all that part of the present New Ulm land district lying north of the north line of township number one hundred and ten, and to fix from time to time the boundaries thereof, which shall be named after the place at which the office shall first be established; and the President shall have power to fix from time to time the location of the office for such district.

SEC. 2. That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said land district, who shall be required to reside at the site of the land office for said district, who shall be subject to the same laws and responsibilities, and whose compensation, respectively, shall be the same as that now allowed by law to other land officers in said State. (a)

(a) See Nos. 630, 1833, 1836, 1837, 1839, 1849, 1850, 1866, 1864, 1885, 1897.

No. 1900.—AN ACT relative to homestead settlers burned out in the States of Minnesota, Wisconsin, and Michigan.

June 8, 1872.
Vol. 17, p. 337.

Preamble.

Whereas fires in extent unparalleled in the history of the country burned through the newly settled parts of the States of Minnesota, Wisconsin, and Michigan, during the autumn of the year eighteen hundred and seventy-one, whereby many homestead settlers lost their dwellings and all of their personal property, and many were burned to death, and many others were so much burned as to disable them from labor for the present winter, and are unable to rebuild and occupy their lands within a period of six months after said fires had driven them from their homestead: Therefore,

Be it enacted, &c., That all such persons occupying homestead claims under the laws of the United States, on lands of the United States, who were burned out, and the heirs of such persons who were burned to death in the year eighteen hundred and seventy-one, in the States of Minnesota, Wisconsin, and Michigan, shall have until the first day of January, anno Domini eighteen hundred and seventy-three, to rebuild on and re-occupy said homestead lands; and that when said homestead claimants shall prove up their claims, such period of time until the first day of January, eighteen hundred and seventy-three, shall be included in the five years' time which they are required by law to reside on said lands, in the same manner as if such homestead claimant had actually resided thereon during said period of time.

SEC. 2. That in all cases where the person having a homestead claim under the laws of the United States, in said States of Minnesota, Wisconsin, and Michigan, shall have been burned to death or perished from the effects of such fires, it shall be lawful for the heirs or the guardian of any children which may have survived said fires, or the administrator of the estate of said deceased homestead claimant, to prove up said claim before the register of the land office of the proper district, and upon proof of the occupation and residence of such homestead claimant, up to the period of so being burned out, a patent shall be issued to said heir or heirs, or guardian for the use of such heir, or administrator for the use of such estate, in the same manner as if such homestead claimant had resided thereon for five years. (a)

(a) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1871, 1873, 1874, 1875, 1879, 1880, 1887, 1890, 1895, 1898, 1901, 1904, 1905, 1909, 1917.

No. 1901.—AN ACT in relation to settlers on certain Indian reservations in the State of Minnesota.

June 8, 1872.
Vol. 17, p. 340.

Be it enacted, &c., That the act of Congress approved March sixth, eighteen hundred and sixty-eight, entitled "An act for the relief of settlers on the late Sioux Indian reservation in the State of Minnesota, (a) and the same is hereby, so amended as to allow the settlers therein provided for until the first day of March, anno Domini eighteen hundred and seventy-four, in which to make proof and payment for their claims.

SEC. 2. That the settlers on the Fort Ridgely military reservation in Minnesota (b) be allowed until the first day of March, anno Domini eighteen hundred and seventy-four, in which to make proof and payment for their claims. (c)

(a) See Nos. 1879, 1880, 1887, 1904, 1909.

(b) See Nos. 1890, 1909.

(c) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1871, 1873, 1874, 1875, 1879, 1880, 1887, 1890, 1895, 1898, 1900, 1904, 1905, 1909, 1917.

No. 1902.—AN ACT for the extension of time to the Winona and Saint Peter Railroad Company for the completion of its road.

Jan. 10, 1873.
Vol. 17, p. 409.

Be it enacted, &c., That the time for the completion of the railroad from Winona, in the State of Minnesota, via Saint Peter, to a point on the Big Sioux River, south of the forty-fifth parallel of north latitude, as limited in the act entitled "An act extending the time for the completion of certain land-grant railroads in the States of Iowa and Minnesota," approved March third, eighteen hundred and sixty-five, be extended for six months from the expiration of the time limited in the said act; and if completed within said six months, the said railroad shall be entitled to the benefit of the several provisions of said act, in the same manner as if said road had been fully completed within the time therein mentioned. (a)

(a) See Nos. 1840, 1844, 1853, 1865, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1881, 1882, 1886, 1889, 1892, 1896, 1906, 1911, 1915, 1917.

Actual settlers on the late Sioux Indian reservation to have until March 1, 1874, to make proof and pay.
Fort Ridgely military reservation.
Time for completion of the Winona and St. Peter Railroad extended.

Feb. 18, 1873.
Vol. 17, p. 465.

No. 1903. AN ACT in relation to mineral lands.

[Mines of iron and coal and mineral lands in Minnesota, &c., not included in act of 1872. See MICHIGAN, No. 577.]

Feb. 24, 1873.
Vol. 17, p. 475.

No. 1904.—AN ACT for the relief of settlers on the late Sioux Indian reservation, in the State of Minnesota.

Certain actual settlers on the Sioux Indian reservation to be allowed until, &c., to make proof, &c., of their claims. *Be it enacted, &c.,* That all actual settlers, who have duly filed their declaratory statements under the pre-emption laws, with the register of the proper local land office, upon the unsold lands now included within the limits of the late Sioux Indian reservation in the State of Minnesota, &c., to make (a) shall be allowed until the first day of March, anno Domini, eighteen hundred and seventy-four, in which to make proof and payment for their claims. (b)

(a) See Nos. 1879, 1880, 1879, 1901, 1909.

(b) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1871, 1873, 1874, 1875, 1879, 1880, 1887, 1890, 1895, 1898, 1900, 1901, 1905, 1909, 1917.

Feb. 28, 1873.
Vol. 17, p. 481.

No. 1905.—AN ACT to provide for the disposition of that portion of the military reservation at Fort Ripley, Minnesota, which lies east of the Mississippi River.

Portion of military reservation of Fort Ripley to be sold at public auction. *Be it enacted, &c.,* That the Secretary of War be, and he is hereby, authorized and directed to sell at public auction the whole or so much of the military reservation at Fort Ripley, in the State of Minnesota, as may no longer be required for military purposes. (a)

Appraisalment.

SEC. 2. It shall be the duty of the Secretary of War to appoint a board of three army officers, which board shall appraise each piece or parcel of land with the buildings thereon, before the same is offered for sale, and no sale shall be made at a price less than two-thirds of the appraised value.

Notice of sale to be published.

SEC. 3. And it shall be the duty of the Secretary of War to cause notice of said sale to be published in one of the principal newspapers in the city of Washington, in two of the principal newspapers in the State of Minnesota, and in one paper, if any there be, in the county where said lands to be sold are situated, or any county adjoining thereto, for the space of sixty days prior to sale. (b)

(a) See No. 1917.

(b) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1871, 1873, 1874, 1875, 1879, 1880, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1909, 1917.

March 3, 1873.
Vol. 17, p. 631.

No. 1906.—AN ACT for the extension of time to the Saint Paul and Pacific Railroad Company for the completion of its roads.

Time for completing the railroad from Saint Anthony to Brainerd in Minnesota, and that from Saint Cloud to Saint Vincent extended. *Be it enacted, &c.,* That the time for the completion of the railroad from Saint Anthony to Brainerd, in the State of Minnesota as now limited by law, and of the railroad from Saint Cloud to Saint Vincent, in said State as now located, with the approval of the Secretary of the Interior, be extended for the period of nine months from the time limited by the acts of Congress relating to the same respectively; and if completed within said nine months the said railroads shall be entitled to all the benefits of the several provisions of the acts of Congress relating thereto, in the same manner as if said roads had been fully completed within the time therein limited. (a)

(a) See Nos. 1840, 1844, 1853, 1865, 1871, 1873, 1874, 1875, 1876, 1877, 1878, 1881, 1882, 1886, 1889, 1892, 1896, 1902, 1911, 1915, 1917.

April 18, 1874.
Vol. 18, p. 31.

No. 1907.—AN ACT to secure to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States the land in the White Earth Indian reservation in Minnesota, on which is situated their church and other buildings.

Grant of land in White Earth Indian reservation in Minnesota for missionary. *Be it enacted, &c.,* That the Secretary of the Interior be, and he is hereby, authorized and directed, by and with the consent of the Mississippi bands of Chippewa Indians, to cause to be issued a patent to the Domestic and Foreign Missionary Society of the Protestant Episcopal

Church in the United States, for eighty acres of land, to embrace the and school par-
 church, parsonage and hospital, and such other buildings as may have poses.
 been, or may, prior to the issue of such patent be, erected by and under
 the direction of said society on the White Earth Indian reservation in
 Minnesota, said land to be selected by the person acting under the au-
 thority of said society, and reported by the United States agent for the
 Chippewa Indians in Minnesota, through the office of Indian Affairs, to
 the Secretary of the Interior: *Provided*, That the estate to be conveyed Estate to be de-
 to said society shall cease and be determined when the land and the erec termined, when.
 tions thereon shall no longer be occupied and used by said society for
 missionary and school purposes.

No. 1908.—AN ACT to permit Edward Savage, of Minnesota, to enter one quarter-
 section of the public lands, or any legal subdivision of the same.

May 7, 1874.
 Vol. 18, p. 546.

Be it enacted, &c., That Edward Savage, of Minnesota, is hereby au- Right to enter
 thorized and allowed to enter one quarter-section of the public lands land allowed to
 within the State of Minnesota, or any legal subdivision of the same, Edward Savage.
 under the general or soldiers' homestead law, or under the act approved
 March third, eighteen hundred and seventy-three, entitled "An act to
 encourage the growth of timber on western prairies."

No. 1909.—AN ACT to extend the time to pre-emptors on the public lands in the
 State of Minnesota, to make final payment.

June 3, 1874.
 Vol. 18, p. 52.

Be it enacted, &c., That the time at which pre-emptors on the public Time of pay-
 lands in the State of Minnesota, including the lands within Fort ment to certain
 Ridgely (a) and Sioux Indian reservations, (b) are now required to make pre-emptors in
 final proof and payment, is extended for the period of two years. (c) Minnesota ex-
 tended.

(a) See Nos. 1890, 1901.

(b) See Nos. 1879, 1880, 1887, 1901, 1904.

(c) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1871, 1873,
 1874, 1875, 1879, 1880, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1917.

No. 1910.—AN ACT for the relief of certain settlers on the public lands in cer-
 tain portions of the States of Minnesota and Iowa.

June 18, 1874.
 Vol. 18, p. 81.

Be it enacted, &c., That it shall be lawful for homestead and preëmp- Homestead and
 tion settlers on the public lands in the counties of Cottonwood, Noble, pre-emption set-
 Martin, Jackson, Watonwan, Murray, Rock, Lyon, Redwood, Brown, tlers in certain
 Chippewa, and Renville, in the State of Minnesota, and the counties counties in Min-
 of Iowa which compose the Sioux City land district, and counties con- nesota and Iowa
 tiguous to either of the above exempted sections, where the crops of may leave lands
 such settlers were destroyed or seriously injured by grasshoppers in the invaded by grass-
 year eighteen hundred and seventy-three, and where such grasshoppers hoppers.
 shall reappear in eighteen hundred and seventy-four to the like de-
 struction of the crops of such settlers, to leave and be absent from said
 lands until May first, eighteen hundred and seventy-five, under such
 regulations as to proof of the same as the Commissioner of the General
 Land Office may prescribe.

SEC. 2. That during such absence no adverse rights shall attach to No adverse
 said lands—such settlers being allowed to resume and perfect their set- rights to attach
 tlements as though no such absence had been enjoyed or allowed. during absence.

SEC. 3. That the same exemption from continued residence shall be Same exemp-
 extended to those making settlements in eighteen hundred and seventy- tion extended to
 four and suffering the same destruction of crops as those making set- settlers of 1874.
 tlement of eighteen hundred and seventy-three, or any previous year.

No. 1911.—AN ACT to extend the act of March third, eighteen hundred and seventy-
 three, entitled "An act for the extension of time to the Saint Paul and Pacific Rail-
 road Company for the completion of its roads."

June 22, 1874.
 Vol. 18, p. 203.

Be it enacted, &c., That the provisions of the act of Congress approved Time for com-
 March third, eighteen hundred and seventy-three, entitled "An act for pleting Saint
 the extension of time to the Saint Paul and Pacific Railroad Company Paul and Pacific
 for the completion of its roads," be, and the same are hereby revived Railroad extend-
 and extended until the third day of March, A. D. eighteen hundred and ed.
 seventy-six, and no longer upon the following conditions: That all Rights of set-
 rights of actual settlers and their grantees who have heretofore in tlers.

good faith entered upon and actually resided on any of said lands prior to the passage of this act, or who otherwise have legal rights in any of such lands shall be saved and secured to such settlers or such other persons in all respects the same as if said lands had never been granted to aid in the construction of the said lines of railroad.

Acceptance of conditions by company.

SEC. 2. That the company taking the benefit of this act shall before acquiring any rights under it, by a certificate made and signed by the president and a majority at least of the directors, and sealed with the corporate seal, accept the conditions contained in this act, and file such acceptance in the Department of the Interior for record and preservation. (a)

(a) See Nos. 1840, 1844, 1853, 1865, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1881, 1882, 1886, 1889, 1892, 1894, 1902, 1906, 1915, 1917.

March 3, 1877.
Vol. 19, p. 552.

No. 1912.—AN ACT for the relief of William Jasper Cordill.

Land patent may be issued to William Jasper Cordill.

Be it enacted, &c., That the Commissioner of the General Land Office, in his discretion, be, and he hereby is, authorized to permit the final proof of William Jasper Cordill to be filed, and the final certificate to be made in his name, for the entry numbered four thousand and thirty-eight and to issue patent thereon for the said northwest fractional quarter of section numbered seven, of township numbered one hundred and one, of range numbered twenty-six of lands now subject to sale at Worthington, Minnesota, formerly Winnebago City, and late Jackson district, in said State.

June 14, 1878.
Vol. 20, p. 543.

No. 1913.—AN ACT for the relief of Nancy A. Herrick, of Rochester, New York.

Preamble.

Whereas, Nancy A. Herrick, under and in virtue of the homestead laws, is entitled to a patent for the land hereinafter described; and

Whereas, under the circumstances of the case, the decision of the Secretary of the Interior, in eighteen hundred and seventy-four, that she was not so entitled, was and is erroneous: Therefore,

Nancy A. Herrick.
Homestead patent to issue to.

Be it enacted, &c., That the proper officer of the Government of the United States be, and he is hereby, authorized and directed to issue and deliver to Nancy A. Herrick, widow of J. F. Herrick, deceased, a patent in due form for the northeast quarter of section thirteen, in township one hundred and one, range thirty, containing one hundred and fifty-one and sixty-hundredths acres of land, at East Chain Lakes, Minnesota.

June 18, 1878.
Vol. 20, p. 577.

No. 1914.—AN ACT for the relief of Peter G. Mills, his heirs and assigns.

Land entry confirmed.

Be it enacted, &c., That the entry by Peter G. Mills of the west half of the northwest quarter and the northeast quarter of the northwest quarter of section six, township one hundred and two, range forty-three, in the State of Minnesota, is hereby made valid to him, his heirs and assigns.

June 19, 1878.
Vol. 20, p. 109.

No. 1915.—AN ACT to create an auditor of railroad accounts and for other purposes.

[Repeal of act of June 25, 1868, No. 2107. See NEBRASKA, No. 2130.]

March 3, 1879.
Vol. 20, p. 352.

No. 1916.—AN ACT granting lands to the State of Minnesota in lieu of certain lands heretofore granted to said State.

Grant of lands in lieu of former grant.

Be it enacted, &c., That there be, and hereby are, granted to the State of Minnesota, to be selected by the governor of said State, twenty-four sections of land, out of any public lands of the United States not otherwise appropriated, in lieu and instead of twenty-four sections of the land granted to said State of Minnesota by the fourth subdivision of section five of an act entitled "An act to authorize the people of the Territory of Minnesota to form a constitution and State government preparatory to their admission in the Union on an equal footing with the original States," approved February twenty-sixth, eighteen hundred and fifty-seven, and selected by said State, but which were subsequently otherwise disposed of by the United States, and to which the United States

cannot make title to the said State of Minnesota: *Provided*, That the lands herein granted shall be selected within three years, and from unoccupied lands of the United States lying within the State of Minnesota. (a)

Proviso.

(a) See No. 1852.

No. 1917.—AN ACT to restore to the public domain the military reservation known as the Fort Ripley reservation, in the State of Minnesota, and for other purposes.

April 1, 1880.
Vol. 21, p. 69.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and required to turn over to the Department of the Interior all of the military reservation known as the Fort Ripley reservation, in the State of Minnesota, (a) except a strip or tract of land fifty feet in width from the centre of the railroad track on each side of said track of the Western Railroad Company of Minnesota, as the said track is located and constructed, being a distance of about fifteen miles across said reservation on the east side of the Mississippi River; together with a tract of land fifteen hundred feet in length and three hundred feet in width for depot and station purposes at the present location of the Fort Ripley side-track, the same being for right of way for said railroad as heretofore granted by acts of Congress in the years eighteen hundred and fifty-seven, and eighteen hundred and sixty-five and which is hereby granted for that purpose. (b)

Fort Ripley reservation restored to public domain.

Western Railroad Company of Minnesota, right of way and depot grounds.

SEC. 2. All the lands embraced in said Fort Ripley reservation hereby required to be turned over to the Secretary of the Interior shall be subject to entry by actual settlers under the pre-emption and homestead laws as minimum lands, of the rate of one dollar and twenty-five cents per acre, from and after the passage of this act. The rights of all actual settlers entitled to the benefits of the pre-emption or homestead laws who now occupy said lands shall date from the day of their actual settlement thereon; and in perfecting their titles thereto under the homestead or pre-emption laws the time such settlers have occupied and improved their said lands shall be allowed: *Provided*, That all persons who purchased and paid for any of said lands at the sale authorized by the War Department in the year anno Domini eighteen hundred and fifty-seven and paid therefor the minimum price of one dollar and twenty-five cents per acre shall be entitled to patents for the same without further payment: *And provided further*, That the Secretary of the Interior shall, prior to offering any quarter-section, half quarter-section, or quarter quarter-section whereon are situate any public buildings or improvements, erected or made by the Government, cause the said tracts with the improvements thereon to be appraised by three disinterested persons, and upon his approval of such appraisement shall dispose of said tracts at not less than the appraised value. (c)

Lands to be subject to entry under pre-emption and homestead laws. Rights of actual settlers.

Purchasers at public sale in 1857 protected.

Improvements of Government to be appraised.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect and be in force from and after its passage. *Repeal provisions.*

(a) See No. 1905.

(b) See Nos. 1840, 1844, 1853, 1865, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1881, 1882, 1886, 1889, 1892, 1896, 1902, 1906, 1911, 1915.

(c) See Nos. 1836, 1839, 1840, 1841, 1845, 1847, 1850, 1853, 1856, 1866, 1868, 1869, 1871, 1873, 1874, 1875, 1879, 1880, 1887, 1890, 1895, 1898, 1900, 1901, 1904, 1905, 1909.

DAKOTA TERRITORY.

March 2, 1861. No. 1918.—AN ACT to provide a temporary government for the Territory of Dakota, and to create the office of surveyor-general therein.

Territory of
Dakota.
Boundaries.

Be it enacted, &c., That all that part of the territory of the United States included within the following limits, namely: commencing at a point in the main channel of the Red River of the North, where the forty-ninth degree of north latitude crosses the same; thence up the main channel of the same, and along the boundary of the State of Minnesota, to Big Stone Lake; thence along the boundary line of the said State of Minnesota to the Iowa line; thence along the boundary line of the State of Iowa to the point of intersection between the Big Sioux and Missouri rivers; thence up the Missouri River, and along the boundary line of the Territory of Nebraska, to the mouth of the Niobrara or Running Water River; thence following up the same, in the middle of the main channel thereof, to the mouth of the Keba Paha or Turtle Hill River; thence up said river to the forty-third parallel of north latitude; thence due west to the present boundary of the Territory of Washington; thence along the boundary line of Washington Territory, to the forty-ninth degree of north latitude; thence east, along said forty-ninth degree of north latitude, to the place of beginning, be, and the same is hereby, organized into a temporary government, by the name of the

Rights of the
Indians not im-
paired.

Territory of Dakota: *Provided*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial

Indian Territo-
ry excepted out
of said bounda-
ries.

limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries and constitute no part of the Territory of Dakota, until said tribe shall signify their assent to the President of the United States to be included within the said Territory, or to affect the authority of the Government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent for the Government to make if this act had never passed:

Territory may
be divided.

Provided, further, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion thereof to any other Territory or State. (a)

School sections
of land.

SEC. 14. *And be it further enacted*, That when the land in said Territory shall be surveyed, under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in the States hereafter to be erected out of the same. (b)

Surveyor-gen-
eral.

SEC. 17. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a surveyor-general for Dakota, who shall locate his office at such place as the Secretary of the Interior shall from time to time direct, and whose duties, powers, obligations, responsibilities, compensation, and allowances for clerk hire, office rent, fuel, and incidental expenses, shall be the same as those of the surveyor-general of Nebraska and Kansas, under the direction of the Secretary of the Interior, and such instructions as he may from time to time deem it advisable to give him. (c)

Land district.

SEC. 18. *And be it further enacted*, That so much of the public lands of the United States in the Territory of Dakota, west of its eastern boundary and east and north of the Niobrara, or Running Water River,

be formed into a land district, to be called the Yancton district, at such time as the President may direct, the land office for which shall be located at such point as the President may direct, and shall be removed from time to time to other points within said district whenever, in his opinion, it may be expedient.

SEC. 19. *And be it further enacted*, That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and receiver for said district, who shall respectively be required to reside at the site of said office, and who shall have the same powers, perform the same duties, and be entitled to the same compensation, as are or may be prescribed by law in relation to other land offices of the United States. (d)

SEC. 20. *And be it further enacted*, That the river in said Territory heretofore known as the "River aux Jacques," or "James River," shall hereafter be called the Dakota River.

(a) See Nos. 1920, 1923, 1933.

(b) See No. 1931.

(c) See Nos. 1931, 1950.

(d) See Nos. 1924, 1928, 1933, 1940.

No. 1919.—AN ACT for the removal of the Sisseton, Wahpaton, Medawakanton and Wahpakoota bands of Sioux or Dakota Indians, and for the disposition of their lands in Minnesota and Dakota. March 3, 1863.
Vol. 12, p. 819.

[See MINNESOTA, No. 1869.]

No. 1920.—AN ACT to provide a temporary government for the Territory of Montana. May 26, 1864.
Vol. 13, p. 85.

[Portion of Territory of Idaho, subsequently Wyoming, made part of Dakota. See WYOMING, No. 1953.]

No. 1921.—AN ACT making appropriations, &c.

[Dakota and Montana to constitute one surveying district. See COLORADO, No. 2172.] July 2, 1864.
Vol. 13, p. 344.

No. 1922.—AN ACT granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget's Sound, on the Pacific Coast, by the northern route. July 2, 1864.
Vol. 13, p. 365.

[See MINNESOTA, No. 1873.]

No. 1923.—AN ACT to re-define a portion of the boundary line between the State of Nebraska and the Territory of Dakota. April 28, 1870.
Vol. 16, p. 93.

[See NEBRASKA, No. 2114.]

No. 1924.—AN ACT to create additional land districts in the Territory of Dakota, to be called the Springfield and Pembina districts. May 5, 1870.
Vol. 16, p. 117.

Be it enacted, f.c., That the President of the United States be, and he is hereby, authorized to establish additional land districts in the Territory of Dakota, which districts shall be respectively bounded as follows, viz.: commencing on the Missouri River, at the intersection of the line between ranges fifty-seven and fifty-eight west; thence north with said range line to the intersection of the line between townships one hundred and twenty and one hundred and twenty-one north; thence west on said township line to the west line of the Territory; thence down said line to the southern line of the Territory; thence east to the place of beginning. Said district, as above bounded, shall be known and designated as the Springfield district; and the office of said district shall be located at the town of Springfield, or such place as the President shall direct in the Territory of Dakota; that portion of the Territory bounded as follows, viz.: on the east by the western boundary of the State of Minnesota; on the south by the line between townships one hundred and twenty and one hundred and twenty-one north; on

Additional
land districts es-
tablished in Da-
kota Territory.
Boundaries of
Springfield dis-
trict.

Location of
office.

Of the Pembina district. the west by the west line of the Territory; and on the north by the forty-ninth degree of north latitude, which district shall be known as

Location of the Pembina district; and the office of said district shall be located at the town of Pembina, or at such place as the President shall direct in said Territory; and the President of the United States shall have power

May be changed. to change the location of said land offices, in said Territory, from time to time, as the public interests may seem to require.

Registers and receivers. SEC. 2. *And be it further enacted*, That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, registers and receivers for said land districts, who shall be required to reside at the site of their respective offices, have the same power, responsibilities, and emoluments, and be subject to the same acts and penalties which are or may be prescribed by law in relation to other land offices in said Territory. (a)

Their residence, salaries, &c. sibilities, and emoluments, and be subject to the same acts and penalties which are or may be prescribed by law in relation to other land offices in said Territory. (a)

(a) See Nos. 1918, 1928, 1933, 1949.

July 14, 1870.
Vol. 16, p. 275.

No. 1925.—AN ACT to vacate the Fort Dakota military reservation in the Territory of Dakota, and for other purposes.

Military reservation at Fort Dakota vacated, and lands subject to private entry, &c. *Be it enacted, &c.*, That the military reservation at Fort Dakota, in the county of Minnehaha, and Territory of Dakota, be, and the same is hereby, vacated, and the lands embraced in said reservation shall be subject to private entry under the provisions of the pre-emption and homestead laws of the United States, except so much thereof as may be embraced in sections heretofore reserved for school purposes: *Provided*, That nothing in this act shall be so construed as to interfere with any rights which may have accrued previous to the withdrawal of said lands for the purposes of such reservation: *And provided also*, That any improvements on said reservation made by the military authorities prior to its relinquishment by the Secretary of War, shall be appraised by the register and receiver of the land office of the district in which said reservation is situated, and paid for by the purchaser of the lands on which the same are located: *And provided further*, That no patent shall issue for any portion of said lands until the improvements thereon shall have been paid for at their appraised value. (a)

Existing rights not affected. That nothing in this act shall be so construed as to interfere with any rights which may have accrued previous to the withdrawal of said lands for the purposes of such reservation: *And provided also*, That any improvements on said reservation made by the military authorities prior to its relinquishment by the Secretary of War, shall be appraised by the register and receiver of the land office of the district in which said reservation is situated, and paid for by the purchaser of the lands on which the same are located: *And provided further*, That no patent shall issue for any portion of said lands until the improvements thereon shall have been paid for at their appraised value. (a)

Improvements to be appraised and paid for. improvements on said reservation made by the military authorities prior to its relinquishment by the Secretary of War, shall be appraised by the register and receiver of the land office of the district in which said reservation is situated, and paid for by the purchaser of the lands on which the same are located: *And provided further*, That no patent shall issue for any portion of said lands until the improvements thereon shall have been paid for at their appraised value. (a)

Patents not to issue until, &c. which the same are located: *And provided further*, That no patent shall issue for any portion of said lands until the improvements thereon shall have been paid for at their appraised value. (a)

(a) See Nos. 1898, 1898, 1919, 1927, 1944, 1950.

July 15, 1870.
Vol. 16, p. 336.

No. 1926.—AN ACT making appropriations, &c.

[Act of March 3, 1863, No. 1919, amended. See MINNESOTA, No. 1893.]

May 9, 1872.
Vol. 17, p. 68.

No. 1927.—AN ACT to extend the time of payment for their lands by persons holding pre-emptions on the public lands in the States of Minnesota, Wisconsin, and Michigan, and Territory of Dakota.

[See MINNESOTA, No. 1898.]

May 21, 1872.
Vol. 17, p. 138.

No. 1928.—AN ACT to establish an additional land district in the Territory of Dakota.

Dakota land district established in Dakota. *Be it enacted, &c.*, That there be, and hereby is, established in the Territory of Dakota, an additional land district, to be bounded and described as follows, and known as the Dakota land district, viz: beginning at a point on the north bank of the Missouri River, at the intersection of the line between ranges fifty-two and fifty-three; thence north, along said range line, to the forty-sixth parallel of north latitude; thence west, along said parallel, to the line between ranges fifty-seven and fifty-eight; thence south, along said range line, to the Missouri River; thence easterly, along the north bank of said stream, to the place of beginning.

Boundaries. point on the north bank of the Missouri River, at the intersection of the line between ranges fifty-two and fifty-three; thence north, along said range line, to the forty-sixth parallel of north latitude; thence west, along said parallel, to the line between ranges fifty-seven and fifty-eight; thence south, along said range line, to the Missouri River; thence easterly, along the north bank of said stream, to the place of beginning.

Location of land office. SEC. 2. That the land office for said district shall be located at Yankton, the capital of said Territory; and the President of the United States is hereby authorized to appoint a register and a receiver for said land office, who shall receive the same salary and be governed by the same regulations as are provided by law for the registers and the receivers of the other land offices in said Territory. (a)

Register and receiver, their pay, &c. is hereby authorized to appoint a register and a receiver for said land office, who shall receive the same salary and be governed by the same regulations as are provided by law for the registers and the receivers of the other land offices in said Territory. (a)

(a) See Nos. 1918, 1924, 1933, 1949.

No. 1929.—AN ACT in relation to the Dakota Southern Railroad Company.

May 27, 1872.
Vol. 17, p. 162.

Be it enacted, &c., That the act passed by the legislative assembly of the Territory of Dakota, and approved by the governor on the twenty-first day of April, eighteen hundred and seventy-one, entitled "An act to enable organized counties and townships to vote aid to any railroad, and to provide for the payment of the same," be, and the same is hereby, disapproved and annulled, except in so far as is herein otherwise provided. But the passage of this act shall not invalidate or impair the organization of the company heretofore organized for the construction of the Dakota Southern Railroad, leading from Sioux City, Iowa, by way of Yankton, the capital of said Territory, to the west line of Bon Homme County, or any vote that has been or may be given by the counties of Union, Clay, Yankton, and Bon Homme, or any township granting aid to said railroad, or any subscription thereto, or any thing authorized by, and that may have been done in pursuance of, the provisions of the aforesaid act of the legislative assembly of said Territory toward the construction and completion of said railroad; and the said Dakota Southern Railroad Company, as organized under and in conformity to the acts of the legislative assembly of said Territory, is hereby recognized and declared to be a legal and valid corporation; and the provisions of the act of said legislative assembly first aforesaid, so far as the same authorize, and for the purpose of validating any vote of aid and subscriptions to said company for the construction, completion, and equipment of the main stem of said railroad, between the termini aforesaid, are hereby declared to be and remain in full force, but no further, and for no other purpose whatsoever.

A certain act of the legislative assembly of Dakota Territory disapproved, except, &c.

Dakota Southern Railroad Company declared a legal corporation, and votes of counties or towns granting aid to its construction, not invalidated.

SEC. 2. That for the purpose of enabling the said Dakota Southern Railroad Company to construct its said road through the public lands between the termini aforesaid, the right of way through the said public lands is hereby granted to said company to the extent of one hundred feet in width on each side of said road: *Provided,* That nothing in this act shall relieve said Dakota Southern Railroad Company from constructing and completing said railroad in accordance with the conditions and stipulations under which the citizens of the counties therein named voted aid to said railroad in accordance with the laws of said Territory, approved April twenty-first, eighteen hundred and seventy-one: *Provided further,* That said Dakota Southern Railroad Company shall issue to the respective counties and townships voting aid to said railroad, paid up certificates of stock in the same in amounts equal to the sums voted by the respective counties and townships. (a)

Right of way through the public lands granted to said corporation. Conditions, &c., to be complied with.

Amount of stock to be issued to counties, &c.

(a) See Nos. 1873, 1922, 1930, 1948.

No. 1930.—AN ACT granting the right of way to the Dakota Grand Trunk Railway Company.

June 1, 1872.
Vol. 17, p. 202.

Be it enacted, &c., That for the purpose of enabling the Dakota Grand Trunk Railway Company, a corporation organized under the laws of Dakota, to extend its road and branches by the most advantageous and practicable lines, in accordance with its charters, the right of way through the public lands in the Territory of Dakota be, and the same is hereby, granted to said company. Said right of way hereby granted to said company is to the extent of one hundred feet in width on each side of the central line of said road and branches where they may pass over the public lands; and there is also hereby granted to said company all necessary ground, not to exceed twenty acres for each ten miles in length of the main line of said railroad, for station-buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, water-stations, and so forth. And when it may be necessary to use material from the public lands for the construction of said road, it may be done; but no private property shall be taken for the use of said company, in said Territory, except in the manner now provided by the laws thereof relative to the taking of such property for like uses, and in which manner it may be done, with compensation to the owners as therein provided.

Right of way through public lands granted to the Dakota Grand Trunk Railway Company. Extent of grant.

Land for depots, shops, &c.

Materials for construction.

SEC. 2. That the said company shall have power to mortgage, in the usual manner, its franchise, road-bed, and all property of every kind belonging to said company, to an amount not exceeding twenty-five thousand dollars per mile for the entire length of said road, upon such terms as may to said company seem best; but in no case shall the United

The company may mortgage its road, &c. Limit to amount.

- States be liable, in any manner whatever, for any act or thing done by said company.
- Rights of other roads.** SEC. 3. That the rights herein granted shall not preclude the construction of other roads through any cañon, defile, or pass on the route of said road.
- Route to be located, &c., and road completed within, &c.** SEC. 4. That said railway company shall locate the route of said railroad, and file a map of such location within one year in the office of the Secretary of the Interior, and shall complete its railroad within ten years of the passage of this act; and nothing herein contained shall be construed as recognizing or denying the authority of the legislature of Dakota Territory to create railroad corporations.
- This act may be altered.** SEC. 5. That Congress reserves to itself the right to alter, amend, or repeal this act whenever in its judgment the interests of the people may require it. (a)

(a) See Nos. 1873, 1922, 1929, 1948.

- June 7, 1872.
Vol. 17, p. 281: **No. 1931.**—AN ACT to quiet the title to certain lands in Dakota Territory.
- Title of certain Sioux Indians to certain land in Dakota Territory to be inquired into.** *Be it enacted, &c.,* That it shall be the duty of the Secretary of the Interior to examine and report to Congress what title or interest the Sisseton and Wahpeton bands of Sioux Indians have to any portion of the land mentioned and particularly described in the second article of the treaty made and concluded with said bands of Indians on the nineteenth day of February, eighteen hundred and sixty-seven, and afterward amended, ratified, and proclaimed on the second day of May, of the same year, or by virtue of any other law or treaty whatsoever, excepting such rights as were secured to said bands of Indians by the third and fourth articles of said treaty, as a "permanent reservation;" and whether any, and, if any, what, compensation ought, in justice and equity, to be made to said bands of Indians, respectively, for the extinguishment of whatever title they may have to said lands. (a)
- Equitable compensation.**

(a) See Nos. 1869, 1873, 1919, 1926.

- Feb. 17, 1873.
Vol. 17, p. 464. **No. 1932.**—AN ACT to readjust the western boundary of Dakota Territory.

[See MONTANA, No. 1974.]

- April 24, 1874.
Vol. 18, p. 34. **No. 1933—1943*.**—AN ACT to establish the Bismarck land district in the Territory of Dakota.
- Bismarck land district in Dakota established.** *Be it enacted, &c.,* That all that portion of Dakota Territory lying north of the seventh standard parallel and west of the ninth guide meridian be, and the same is hereby, created into a separate land district, to be known as the Bismarck district; and the land office for said district shall be located at the town of Bismarck, where the North Pacific Railroad intersects the Missouri River.
- Location of land office.**
- Register and receiver.** SEC. 2. That a register and a receiver shall be appointed for said district land office, who shall be governed by the same laws and receive the same compensation as prescribed for similar officers in the other land districts of said Territory.

(a) See Nos. 1918, 1924, 1928, 1949.

- May 18, 1874.
Vol. 18, p. 47. **No. 1944.**—AN ACT for the relief of certain settlers on the Fort Randall military reservation.
- Certain portions of Fort Randall military reservation transferred to custody of Interior Department.** *Be it enacted, &c.,* That the Secretary of War be, and he is hereby, authorized to transfer to the custody of the Department of the Interior such portions of the military reservation of Fort Randall, in Dakota, as were actually occupied by settlers prior to the promulgation of the order of the President of June fourteenth, eighteen hundred and sixty, setting apart the reservation for military purposes, and, further, such portions of the said reservation as were released from military occupation and control between the years eighteen hundred and sixty-seven and eighteen hundred and seventy, and were during that time settled upon in good faith and in the belief that the lands were open to settlement.

* Through a clerical error in numbering, Nos. 1934 to 1943, inclusive, were dropped. There is, however, no omission of laws.

SEC. 2. That the Secretary of the Interior be authorized to confirm, in accordance with existing laws, the titles of such settlers upon the military reservation of Fort Randall as may be reported by the Secretary of War for that purpose, and to cause patents to be issued for such lands as the aforesaid settlers may be entitled to under existing laws and the provisions of this act. (a)

Titles of settlers to be confirmed.

SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized to pay to each of the aforesaid settlers the respective amounts that were appraised as the value of their respective improvements, by a military board of survey convened for that purpose, at Fort Randall, under instructions from the War Department, dated March third, eighteen hundred and seventy-one: *Provided*, That in case any improvements, or portion thereof, shall have been restored or delivered to any settler, after the appraisal of the same by the said military board of survey, such settler shall not be entitled to payment under this act for the improvements, or portion thereof, so restored or delivered to him.

Payment for improvements.

Proviso.

(a) See Nos. 1869, 1898, 1919, 1925, 1927, 1950.

NO. 1945.—AN ACT for the relief of the Holy Cross Mission in the Territory of Dakota. March 3, 1875.
Vol. 18, p. 519.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to withdraw from sale or settlement, under the provisions of the pre-emption and homestead laws of Congress, one hundred and sixty acres of the public lands situated in sections thirteen and eighteen, township one hundred and thirty-eight, range forty-nine, and section eighteen, township one hundred and thirty-eight, range forty-eight, as were included within the limits originally claimed and improved for the mission school-buildings, church, cemetery, and so forth, now occupied by the founders of the Holy Cross Mission at said place: *Provided*, That said land shall include all school and church buildings and the cemetery thereon occupied.

Holy Cross Mission, Dakota; certain lands occupied by, withdrawn from sale.

SEC. 2. That the Secretary of the Interior shall be further authorized to grant, to the said Holy Cross Mission Board, the aforesaid land, for the sole and exclusive use of said Holy Cross Mission: *Provided*, That this act shall not affect any bona-fide claimant to said lands or any portion thereof.

Grant to Holy Cross Mission.

NO. 1946.—AN ACT for the relief of the heirs of William Stevens.

Aug. 15, 1876.
Vol. 19, p. 496.

Whereas, one William Stevens made settlement and pre-emption on a certain tract of land hereinafter mentioned, and prior to the survey thereof was driven off by Indians, returned and died on said land before perfecting his claim thereto under the then existing laws: Therefore,

Preamble.

Be it enacted, &c., That the heirs of William Stevens are hereby authorized to enter at the United States land office at Sioux Falls, Dakota Territory, the southeast quarter of section numbered sixteen, in township numbered one hundred and one, in range forty-nine, upon the payment of one dollar and twenty-five cents per acre therefor; and when said entry shall have been made and returned to the Commissioner of the General Land Office, a patent shall issue therefor as in other cases of pre-emption entries.

Heirs of William Stevens may enter land.

NO. 1946a.—AN ACT making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes.

Aug. 15, 1876.
Vol. 19, p. 176.

Be it enacted, &c.,

For this amount, for subsistence, including the Yankton Sioux and Poncas, and for purposes of their civilization, one million dollars: *Provided*, That none of said sums appropriated for said Sioux Indians shall be paid to any band thereof while said band is engaged in hostilities against the white people; and hereafter there shall be no appropriation made for the subsistence of said Indians, unless they shall first agree to relinquish all right and claim to any country outside the

Appropriations for Indian service. Not to be paid while Indians are hostile. No appropriations until rights are relinquished.

boundaries of the permanent reservation established by the treaty of eighteen hundred and sixty-eight for said Indians; and also so much of their said permanent reservation as lies west of the one hundred and third meridian of longitude, and shall also grant right of way over said reservation to the country thus ceded for wagon or other roads, from convenient and accessible points on the Missouri River, in all not more than three in number; and unless they will receive all such supplies herein provided for, and provided for by said treaty of eighteen hundred and sixty-eight, at such points and places on their said reservation, and in the vicinity of the Missouri River, as the President may designate; and the further sum of twenty thousand dollars is hereby appropriated to be expended under the direction of the President of the United States for the purpose of carrying into effect the foregoing provision: *And provided also*, That no further appropriation for said Sioux Indians for subsistence shall hereafter be made until some stipulation, agreement, or arrangement shall have been entered into by said Indians with the President of the United States, which is calculated and designed to enable said Indians to become self-supporting: *Provided further*, That the Secretary of the Interior may use of the foregoing amounts the sum of twenty-five thousand dollars for the removal of the Poncas to the Indian Territory, and providing them a home therein, with the consent of said band.

* * * * *

Feb. 28, 1877. Vol. 19, p. 254. **No. 1947.**—AN ACT to ratify an agreement with certain bands of the Sioux nation of Indians and also with the Northern Arapaho and Cheyenne Indians.

Agreement with Sioux Indians and Northern Arapaho and Cheyenne Indians confirmed, except, &c. *Be it enacted, &c.* That a certain agreement made by George W. Manypenny, Henry B. Whipple, Jared W. Daniels, Albert G. Boone, Henry C. Bullis, Newton Edmunds, and Augustine S. Gaylord, commissioners on the part of the United States, with the different bands of the Sioux nation of Indians, and also the Northern Arapaho and Cheyenne Indians, be, and the same is hereby, ratified and confirmed: *Provided*, That nothing in this act shall be construed to authorize the removal of the Sioux Indians to the Indian Territory and the President of the United States is hereby directed to prohibit the removal of any portion of the Sioux Indians to the Indian Territory until the same shall be authorized by an act of Congress hereafter enacted.

* * * * *

Boundaries of reservation. **ARTICLE 1.** The said parties hereby agree that the northern and western boundaries of the reservation defined by article 2 of the treaty between the United States and different tribes of Sioux Indians, concluded April 29, 1868, and proclaimed February 24, 1869, shall be as follows: The western boundaries shall commence at the intersection of the one hundred and third meridian of longitude with the northern boundary of the State of Nebraska; thence north along said meridian to its intersection with the south fork of the Cheyenne River; thence down said stream to its junction with the north fork; thence up the north fork of said Cheyenne River to the said one hundred and third meridian; thence north along said meridian to the south branch of Cannon Ball River or Cedar Creek; and the northern boundary of their said reservation shall follow the said south branch to its intersection with the main Cannon Ball River, and thence down the said main Cannon Ball River to the Missouri River; and the said Indians do hereby relinquish and cede to the United States all the territory lying outside the said reservation, as herein modified and described, including all privileges of hunting; and article 16 of said treaty is hereby abrogated.

Roads through reservation. **ART. 2.** The said Indians also agree and consent that wagon and other roads, not exceeding three in number, may be constructed and maintained, from convenient and accessible points on the Missouri River, through said reservation, to the country lying immediately west thereof, upon such routes as shall be designated by the President of the United States; and they also consent and agree to the free navigation of the Missouri River.

* * * * *

No. 1948.—AN ACT to authorize the Worthington and Sioux Falls Railroad Company to extend its road into the Territory of Dakota to the village of Sioux Falls.

April 2, 1878.
Vol. 20, p. 32.

Be it enacted, &c., That said Worthington and Sioux Falls Railroad Company is hereby authorized and empowered to survey, locate, construct, furnish, maintain, and operate a railroad from the west line of the State of Minnesota to and into the village of Sioux Falls, in Dakota Territory, so as to form and constitute a continuous line of railroad from said Nobles County to and into the village of Sioux Falls; and said corporation is hereby vested with all the franchises, powers, privileges, and immunities necessary to carry into effect the purposes of this act, as herein set forth, and may have and exercise the same fully and effectually within the Territory of Dakota.

Worthington
and Sioux Falls
Railroad.

SEC. 2. That the said Worthington and Sioux Falls Railroad Company be, and is hereby empowered to enter upon, purchase, take and hold any lands or premises that may be necessary or proper for the construction and working of said road within said Territory of Dakota, not exceeding in width one hundred feet on each side of the line of its railroad, unless a greater width be required for the purpose of excavation or embankment or protection from snow, and in such cases not exceeding two hundred feet; and also any lands or premises that may be necessary and proper for turn-outs, standing-places for cars, depots, station-houses, shops or other structures or inclosures required or convenient in the construction and operation of said road. And in case the owners of such lands and premises and the said company cannot agree as to the value of the premises taken, or to be taken, for the use of said road, as aforesaid, said company may proceed to condemn the same and acquire title thereto in the way and according to the mode established by the laws of the Territory of Dakota.

Purchase of
necessary lands.

SEC. 3. That the said company is authorized to accept to its own use any grant, donation, or aid which may be granted to or conferred upon it by any corporation, body politic, person, or persons; and said corporation is authorized to hold, enjoy, and use, with full power of disposition, such grant, donation, or aid, to its own benefit, for the purpose aforesaid. And any bonds, donation, or aid which, under the laws or authority of the laws of said Territory, may have been voted or granted to any railroad company for the construction of a railroad from the west line of Minnesota to or into said village of Sioux Falls, by any county, town, village, or other municipal or political division or corporation of and within said Territory, may be transferred to said Worthington and Sioux Falls Railroad Company, its successors or assigns, by said company, for or to which the same shall have been granted or voted with the consent and agreement of the legally authorized officers of such county, town, village, or other municipal or political division or corporation of and within said Territory; and upon such transfer it shall and may be lawful for the proper officers of such county, town, village, or other corporation or division to grant, issue, donate, and deliver the said bonds, or aid directly and in the first instance to said Worthington and Sioux Falls Railroad Company, its successors or assigns, without further authority, act, or ceremony whatever; and the same in the hands of said last-named company, its successors or assigns, shall be as valid and effectual as if granted, given, and delivered to said company for which the same were originally granted or voted: *Provided*, That no such bonds, donation, or aid shall be issued and delivered to any company except at the time and upon the conditions relating to the construction of the road named and specified in said original grant or vote.

Condemnation
of lands.

Donations and
aids.

Transfer of
aids from other
roads.

Conditions of
aids.

SEC. 4. That said company is authorized to establish, charge, demand, and collect, for the transportation of passengers and freight over said road, reasonable fare and compensation, not exceeding the rate established for like service by the legislature of Minnesota over that portion of said railroad which lies within that State.

Rates of fare,
&c.

SEC. 5. Said company may sue and be sued in any of the courts of the United States within said Territory, upon any cause of action, contract, or liability arising under any law of the United States or of the Territory, or any act done or omitted within said Territory; and in such action process may be served upon any officer or agent of said company resident within said Territory. And said company shall constantly keep an officer or agent at Sioux Falls, in said Territory, upon whom process may be served.

Suits.

- Time of construction. SEC. 6. Said company shall commence the construction of said road from the west line of the State of Minnesota, within one year after the date of the passage of this act, and have the same fully completed, with cars running thereon, as far as the village of Sioux Falls, in Dakota Territory, within one year thereafter.
- Laws of Dakota. SEC. 7. Said corporation shall hereafter be subject, so far as relates to that portion of its road within the limits of Dakota, to all laws and regulations made by the Territorial legislature of Dakota or its successors.
- Repeal, &c. SEC. 8. This act shall be in force from and after its passage. And Congress reserves the right at any time to alter amend or repeal this act. (a)
(a) See Nos. 1873, 1922, 1929, 1930.

Jan. 21, 1880. Vol. 21, p. 60. **No. 1949.**—AN ACT to establish a land district in the Territory of Dakota, and locating the office at Grand Forks.

Grand Forks land district established. *Be it enacted, &c.,* That all that portion of the Territory of Dakota lying and being north of the twelfth standard parallel and east of the tenth guide meridian shall constitute a new land district, to be known as the Grand Forks district.

Register and receiver to be appointed. SEC. 2. The President is hereby authorized to appoint, in the manner provided by law, a register and a receiver for said district, who shall be required to reside in Grand Forks, in the county of Grand Forks, until such time as the President may, in his discretion, remove the site of said land office from said Grand Forks; and said register and said receiver shall be subject to the same laws and entitled to the same compensation as is or may be provided by law in relation to existing land offices and officers in said Territory. (a)
(a) See Nos. 1918, 1924, 1928, 1933.

June 10, 1880. Vol. 21, p. 172. **No. 1950.**—AN ACT abolishing the military reservations of Fort Abercrombie, Fort Seward, and Fort Ransom, all in the Territory of Dakota, and authorizing the Secretary of the Interior to have the lands embraced therein surveyed and made subject to homestead and pre-emption entry and sale, the same as other public lands.

Military reservations abolished. *Be it enacted, &c.,* That the military reservations of Fort Abercrombie, Fort Seward, and Fort Ransom, all in the Territory of Dakota, be, and the same are hereby, abolished, and the Secretary of the Interior is hereby authorized to have the lands embraced therein surveyed (a) and made subject to homestead and pre-emption entry and sale, the same as other public lands: *Provided,* The rights of all actual settlers, entitled to the benefits of the homestead and pre-emption laws of the United States, who now occupy in good faith any portion of the land embraced within any of said reservations, shall date from the day of their actual settlement thereon; and in perfecting their titles thereto under the homestead or pre-emption laws, the time such settlers have occupied and improved their said lands shall be allowed: *Provided further,* That when the lands embraced in said reservations, shall be surveyed, the claims of all such actual settlers shall be made to conform to the lines of the Government survey. (b)

Proviso. (a) See Nos. 1918, 1921.
(b) See Nos. 1869, 1898, 1919, 1925, 1927, 1944.

June 16, 1880. Vol. 21, p. 290. **No. 1951.**—AN ACT granting to the Territory of Dakota section thirty-six, in township number fifty-six north, of range number ninety-four west, in the county of Yankton, in said Territory, for the purposes of an asylum for the insane, and granting to said Territory one section of land, in lieu of said thirty-sixth section, for school purposes.

Grant of certain section of land for insane asylum. *Be it enacted, &c.,* That section thirty-six, in township number fifty-six north of range number ninety-four west, in the county of Yankton, Territory of Dakota, be, and the same is hereby, granted to said Territory for the purposes of an asylum for the insane; and that there be, and is hereby, granted to said Territory one section of land, in lieu of said

Governor to select indemnity therefor for school purposes. thirty-sixth section, for school purposes; said section to be selected by the governor of said Territory from any of the public lands subject to private sale or entry. Such selection, when so made, shall be certified by the said governor to the surveyor-general of said Territory and to the officers of the local land office of the district in which such land

Land so selected to be reserved. may be situated; and from the filing of such certificate said land shall be withdrawn from private sale or entry, and shall be held as a portion of the lands granted to said Territory for school purposes. (a)
(a) See No. 1918.

WYOMING TERRITORY.

No. 1952.—AN ACT to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes. July 1, 1863.
Vol. 12, p. 469.
[See NEBRASKA, No. 2092.]

No. 1953.—AN ACT to provide a temporary government for the Territory of Montana. May 26, 1864.
Vol. 13, p. 85.

* * * * *

SEC. 18. *And be it further enacted,* That, until Congress shall otherwise direct, all that part of the Territory of Idaho included within the following boundaries, to wit: commencing at a point formed by the intersection of the thirty-third degree of longitude west from Washington with the forty-first degree of north latitude; thence along said thirty-third degree of longitude to the crest of the Rocky Mountains; thence northward along the said crest of the Rocky Mountains to its intersection with the forty-fourth degree and thirty minutes of north latitude; thence eastward along said forty-fourth degree thirty minutes north latitude to the thirty-fourth degree of longitude west from Washington; thence northward along said thirty-fourth degree of longitude to its intersection with the forty-fifth degree north latitude; thence eastward along said forty-fifth degree of north latitude to its intersection with the twenty-seventh degree of longitude west from Washington; thence south along said twenty-seventh degree of longitude west from Washington to the forty-first degree north latitude; thence west along said forty-first degree of latitude to the place of beginning, shall be, and is hereby, incorporated temporarily into and made part of the Territory of Dakota. (a)

(a) See No. 1954.

No. 1954.—AN ACT to provide a temporary government for the Territory of Wyoming. July 25, 1868.
Vol. 15, p. 178.

Be it enacted, &c., That all that part of the United States described as follows: commencing at the intersection of the twenty-seventh meridian of longitude west from Washington with the forty-fifth degree of north latitude, and running thence west to the thirty-fourth meridian of west longitude, thence south to the forty-first degree of north latitude, thence east to the twenty-seventh meridian of west longitude, and thence north to the place of beginning, be, and the same is hereby, organized into a temporary government by the name of the Territory of Wyoming: *Provided,* That nothing in this act shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians: *Provided, further,* That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such time as Congress shall deem convenient and proper, or from attaching any portion thereof to any other Territory or State. (a)

* * * * *

SEC. 14. *And be it further enacted,* That sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to public schools in the State or States hereafter to be erected out of the same.

(a) See No. 1953.

Feb. 5, 1870.
Vol. 16, p. 64.

No. 1955.—AN ACT to establish a land district in Wyoming Territory, and for other purposes.

Wyoming land district established in Wyoming Territory.

Be it enacted, &c., That the public lands of the United States in the Territory of Wyoming shall constitute a land district, to be called the district of Wyoming, the office for which shall be established at such place, within said district, as the President of the United States may from time to time direct; and the pre-emption laws and all other laws not locally inapplicable are hereby extended to said Territory. (a)

Surveyor-general authorized; salary, &c.

SEC. 2. *And be it further enacted,* That the President of the United States be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, a surveyor-general for Wyoming, with a salary of three thousand dollars per annum, who shall locate his office at such place as the Secretary of the Interior shall from time to time direct, and whose duties, powers, obligations, responsibilities, and allowances for clerk hire, office rent, fuel, and incidental expenses, shall be the same as those of the surveyor-general of Colorado, under the direction of the Secretary of the Interior, and such instructions as he may from time to time deem advisable to give him.

Register and receiver, &c.

SEC. 3. *And be it further enacted,* That the President be, and hereby is, authorized to appoint, by and with the advice and consent of the Senate, a register and receiver for said district, who shall respectively be required to reside at the site of said office, and who shall have the same powers, perform the same duties, and receive the same compensation as are now, and may hereafter be, prescribed by law for other land offices of the United States.

(a) See No. 1963.

Feb. 24, 1871.
Vol. 16, p. 430.

No. 1956.—AN ACT to provide for the disposition of useless military reservations.

[Portion of the reservation at Fort Bridger to be surveyed and sold under the direction of the Secretary of the Interior. See WASHINGTON TERRITORY, No. 2305.]

March 1, 1872.
Vol. 17, p. 32.

No. 1957.—AN ACT to set apart a certain tract of land lying near the head-waters of the Yellowstone River as a public park.

Public park established near the head-waters of the Yellowstone River.
Boundaries.

Be it enacted, &c., That the tract of land in the Territories of Montana and Wyoming, lying near the head-waters of the Yellowstone River, and described as follows, to wit, commencing at the junction of Gardiner's River with the Yellowstone River, and running east to the meridian passing ten miles to the eastward of the most eastern point of Yellowstone Lake; thence south along said meridian to the parallel of latitude passing ten miles south of the most southern point of Yellowstone Lake; thence west along said parallel to the meridian passing fifteen miles west of the most western point of Madison Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's rivers; thence east to the place of beginning, is hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom.

Certain persons locating, &c., thereon, to be trespassers.

Secretary of the Interior to have control of the park.
To make rules for its care.

SEC. 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may in his discretion, grant leases for building purposes for terms not exceeding ten years, of small parcels of ground, at such places in said park as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases, and all other revenues that may be derived from any source connected with said park, to be expended under his direction in the management of the same, and the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of mer-

May grant certain leases and expend proceeds thereof.

Shall prevent the wanton destruction of fish

chandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

No. 1958.—AN ACT to withdraw from settlement and sale a certain section of land in Wyoming Territory. May 23, 1872.
Vol. 17, p. 158.

Be it enacted, &c., That section thirty, township fourteen north, range sixty-seven west, of the public lands in Laramie County, Wyoming Territory, be, and the same is hereby, withdrawn from settlement and sale under existing laws, and reserved for the use of the city of Cheyenne, in said county, for the purpose of enabling the proper authorities of said city to construct and maintain on said land a reservoir of water for the supply of said city. Section of land in Wyoming Territory reserved for the use of the city of Cheyenne for supply of water.

SEC. 2. That said section of land shall, for the purpose named in the first section of this act, be subject to occupancy and control by the board of trustees of said city of Cheyenne, and their successors in office: *Provided*, That if at any time the said board of trustees shall occupy, or permit to be occupied, said land for any purpose not contemplated by this act, or shall fail for the period of two years to commence the use of it for said purpose, or shall abandon the same, the said land shall revert to the United States: *Provided further*, That nothing in this act contained shall be construed or have the effect to impair the rights of any person in or to any portion of said lands, acquired under any law of the United States. (a) Who to occupy and control the land.
Land to revert to the United States if, &c.
Private rights not affected.

(a) See Nos. 1960, 1965.

No. 1959.—AN ACT to authorize the President of the United States to negotiate with the chiefs and head-men of the Shoshone and Bannock tribes of Indians for the relinquishment of a portion of their reservation in Wyoming Territory. June 1, 1872.
Vol. 17, p. 214.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to negotiate with the Shoshone and Bannock tribes of Indians, for the relinquishment of that portion of the reservation of said tribes in Wyoming Territory which is situate south of the central dividing ridge between the Big Popoagie and Little Wind rivers and south of the forty-third parallel, and to cede to said tribes lands lying north of and adjacent to their present reservation, equal in area to any lands by them ceded. And it shall be the duty of the President to report all proceedings under this act to Congress for approval or rejection: *Provided*, This authority shall not continue beyond January first, eighteen hundred and seventy-three. (a) Negotiations to be made with the Shoshone and Bannock Indians for surrender of part of their reservation.
Report to Congress.
Limit to this act.

(a) See No. 1962.

No. 1960.—AN ACT to amend the act entitled "An act to withdraw from settlement and sale a certain section of land in Wyoming Territory," approved May twenty-third, eighteen hundred and seventy-two. March 26, 1874.
Vol. 18, p. 25.

Be it enacted, &c., That the first section of the act aforesaid be, and the same is hereby, amended so that it shall read as follows: "*Be it enacted, &c.,* That the north half and the southeast quarter of section thirty, in township fourteen north, of range sixty-six west, of the public lands in Laramie County, Wyoming Territory, be, and the same is hereby, withdrawn from settlement and sale under existing laws, and reserved for the use of the city of Cheyenne, in said county, for the purpose of enabling the proper authorities of said city to construct and maintain on said land a reservoir of water for the supply of said city." (a) Amendment.
Certain land reserved for use of city of Cheyenne for water reservoir.

(a) See Nos. 1958, 1965.

No. 1961.—AN ACT to reduce the area of the military reservation of Fort Sanders, and providing for the survey of said reservation as reduced. June 9, 1874.
Vol. 18, p. 65.

Be it enacted, &c., That the military reservation of Fort Sanders, in the Territory of Wyoming, is hereby reduced in area, and the said reservation shall, after the passage of this act, be limited and bounded as follows: Beginning at the point where the old stage road to Salt Lake crosses the Big Laramie River, and running thence east four miles; thence Reduction of area of military reservation at Fort Sanders, Wyoming.
Bounds.

south four and five-tenths miles; thence in a west southwest direction to the junction of what is known as the Five Mile Creek with the present south line of the reserve; thence along this creek to its junction with the Big Laramie River; thence along said Big Laramie River, to the place of beginning.

Survey.

SEC. 2. That immediately after the passage of this act it shall be the duty of the officer commanding the military department of the Platte, under the direction of the Secretary of War, to cause a direct survey of said reservation to be made in conformity with the provisions of the first section of this act, and to have posts or monuments planted at each of the corners thereof, and so marked that they will indicate the boundaries of said reservation.

Land outside new reservation open to entry.

SEC. 3. That the lands heretofore constituting the Fort Sanders military reservation outside of the limits of the new reservation, as defined in section one of this act, shall be held to be and have been subject and liable to the operation of the laws of the United States, in the same manner and to the same extent as if the same had never been included within the limits of the said reservation: *Provided*, That in all cases where any of said last-mentioned lands would be subject to entry under the pre-emption and homestead laws of the United States, the actual settlers on said lands shall have the right and privilege to make proof and payment for their respective claims, under the provisions of the pre-emption and homestead laws, by filing their declaratory statements, as provided by existing laws, at any time within six months from the passage of this act. (a)

Rights of settlers.

(a) See Nos. 1956, 1964.

Dec. 15, 1874.
Vol. 18, p. 291.

No. 1962.—AN ACT to confirm an agreement made with the Shoshone Indians (eastern band) for the purchase of the south part of their reservation in Wyoming Territory.

Agreement with Shoshone Indians confirmed.

Be it enacted, &c., That the agreement entered into on the twenty-sixth day of September, in the year of our Lord, eighteen hundred and seventy-two, between Felix R. Brunot, commissioner on the part of the United States, and the chief, head-men, and men of the eastern band of Shoshone Indians, in the words and figures following, be, and the same is hereby, confirmed, satisfied, and approved by the Congress and President of the United States: *Provided*; That the cattle furnished under this agreement shall be good, young American cattle, suitable for breeding purposes.

Condition as to cattle.

Date of agreement, parties.

Articles of a convention made and concluded at the Shoshone and Bannock Indian agency in Wyoming Territory, this twenty-sixth day of September, in the year of our Lord, eighteen hundred and seventy-two, by and between Felix R. Brunot, commissioner on the part of the United States, and the chief, head-men, and men of the eastern band of Shoshone Indians, constituting a majority of all the adult male Indians of said band on tribe of Indians, and duly authorized to act in the premises, witnesseth:

Preamble.

That whereas by article eleven of a treaty with the Shoshone (eastern band) and Bannock tribes of Indians, made the third day of July, eighteen hundred and sixty-eight, at Fort Bridger, Utah Territory, a reservation was set apart for the use and occupancy of said tribes of Indians in the following words: "The United States further agrees that the following district of country, to wit, 'commencing at the mouth of Owl Creek and running, due south, to the crest of the divide between the Sweetwater and the Papo-Agie rivers; thence along the crest of said divide and the summit of Wind River Mountains to the longitude of north fork of Wind River; thence due north, to mouth of said north fork, and up its channel to a point twenty miles above its mouth; thence in a straight line to head-waters of Owl Creek, and, along middle of channel of Owl Creek, to place of beginning,' shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Shoshone Indians herein named;"

And whereas, previous to and since the date of said treaty, mines have been discovered, and citizens of the United States have made improvements within the limits of said reservation, and it is deemed advisable for the settlement of all difficulty between the parties, arising in consequence of said occupancy, to change the southern limit of said reservation:

I. The Shoshone band or tribe of Indians (eastern band) hereby cede to the United States of America that portion of their reservation in Wyoming Territory which is situated south of a line beginning at a point on the eastern boundary of the Shoshone and Bannock reservation, due east to the mouth of the Little Papo-Agie, at its junction with the Papo-Agie, and running from said point west to the mouth of the Little Papo-Agie; thence up the Papo-Agie to the North Fork, and up the North Fork to the mouth of the canyon; thence west to the western boundary of the reservation.

Cession to the United States of part of reservation.

II. The United States agree to pay to the Shoshone (eastern band) or tribe the sum of twenty-five thousand dollars; said sum to be expended under the direction of the President for the benefit and use of said Indians in the following manner, viz: On or before the tenth day of August of each year, for the term of five years after the ratification of this agreement, five thousand dollars shall be expended in the purchase of stock-cattle, and said cattle delivered to the Shoshones on their reservation. Second. The salary of five hundred dollars per annum shall be paid by the United States for the term of five years to Wash-a-kie, chief of the Shoshones.

Consideration for cession of land.

Salary of chief of Shoshones.

III. Within the term of six months, and as soon as practicable after the ratification of this agreement, the United States shall cause the southern line of the Shoshone reservation, as herein designated, to be surveyed, and marked at suitable points on the ground, and until said line has been so surveyed and marked, the United States binds itself not to permit the intrusion of any white persons upon any of the agricultural or other lands within the limit of the district proposed to be ceded.

Southern line of reservation to be marked.

Intrusion of white persons.

IV. This convention or agreement is made subject to the approval of the President and the ratification or rejection of the Congress of the United States. (a)

Agreement subject to ratification.

(a) See No. 1959.

No. 1963.—AN ACT to establish a new land district in the Territory of Wyoming.

Aug. 9, 1876.
Vol. 19, p. 126.

Be it enacted, &c., That all the public lands in the Territory of Wyoming lying west of the thirty-first meridian of longitude west from Washington shall constitute a new land district, to be called the Evanston district.

Evanston land district established.

SEC. 2. That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof, and until the next session after such appointment, a register and a receiver for said district, who shall be required to reside in the town of Evanston, Wyoming Territory, until such time as the President may, in his discretion, remove the site of said land office from said town, be subject to the same laws and be entitled to the same compensation as is or may hereafter be provided by law in relation to the existing land offices and officers in said Territory. (a)

Register and receiver.

Residence.

(a) See No. 1955.

No. 1964.—AN ACT to reduce the area of the military reservation of Fort Laramie, Wyoming Territory.

Aug. 14, 1876.
Vol. 19, p. 139.

Be it enacted, &c., That the military reservation of Fort Laramie, in the Territory of Wyoming, is hereby reduced to an area of fifty-four square miles; and the said reservation shall, after the passage of this act, be limited and bounded as described and declared in executive order of June twenty-eight, eighteen hundred and sixty-nine.

Fort Laramie reservation reduced.

SEC. 2. That all that portion of land added to the said reservation of Fort Laramie, by Executive Order of April second, eighteen hundred and seventy-two, is hereby eliminated therefrom and restored to the body of the public lands, and shall be held to be subject to all provisions of the laws of the United States relating to the public lands, in the same manner and to the same extent as if said lands had never constituted a portion of said military reservation. (a)

Part of reservation restored to public lands.

(a) See Nos. 1956, 1961.

No. 1965.—AN ACT to authorize the board of trustees of the city of Cheyenne, Wyoming Territory, to enter and purchase for the use of said city certain public lands.

March 2, 1877.
Vol. 19, p. 269.

Be it enacted, &c., That the board of trustees of the city of Cheyenne, in the Territory of Wyoming, are hereby authorized and empowered to enter and purchase, for the use of said city in maintaining a reservoir

Trustees of City of Cheyenne may enter certain land.

of water, and for other purposes, the north half and the southeast quarter of section numbered thirty, in township numbered fourteen north, of range numbered sixty-six west of the sixth principal meridian, of lands in the district of Wyoming Territory; said lands being now withdrawn from entry or sale and reserved for the use of said city.

Patent to issue.

SEC. 2. That upon the entry of said lands by said board of trustees of the city of Cheyenne, and the payment therefor to the United States of the sum of two dollars and fifty cents per acre, patent shall issue to the said board of trustees of the city of Cheyenne, conveying to said board of trustees, for the use and benefit of the said city of Cheyenne, in the Territory of Wyoming, the title of the United States in and to the said lands. (a)

(a) See Nos. 1958, 1960.

May 17, 1890.
Vol. 21, p. 141.

No. 1966.—AN ACT to authorize the Wyoming, Montana and Pacific Railroad Company to build its road across the Fort Russell and Fort Laramie military reservations.

Wyoming,
Montana and Pa-
cific Railroad
Company author-
ized to build
across military
reservations.

Be it enacted, f.c., That the Wyoming, Montana and Pacific Railroad Company, a corporation organized under the laws of the Territory of Wyoming, is hereby authorized to build its road across the Fort Russell and Fort Laramie military reservations, upon such line as may be approved by the Secretary of War: *Provided,* Such right of way shall not exceed one hundred feet in width. (a)

(a) See No. 1968.

MONTANA TERRITORY.

No. 1967.—AN ACT to provide a temporary government for the Territory of Montana.

May 26, 1864.
Vol. 13, p. 85.

Be it enacted, &c., That all that part of the Territory of the United States included within the limits, to wit: commencing at a point formed by the intersection of the twenty-seventh degree of longitude west from Washington with the forty-fifth degree of north latitude; thence due west on said forty-fifth degree of latitude to a point formed by its intersection with the thirty-fourth degree of longitude west from Washington; thence due south along said thirty-fourth degree of longitude to its intersection with the forty-fourth degree and thirty minutes of north latitude; thence due west along said forty-fourth degree and thirty minutes of north latitude to a point formed by its intersection with the crest of the Rocky Mountains; thence following the crest of the Rocky Mountains northward till its intersection with the Bitter Root Mountains; thence northward along the crest of said Bitter Root Mountains to its intersection with the thirty-ninth degree of longitude west from Washington; thence along said thirty-ninth degree of longitude northward to the boundary line of the British possessions; thence eastward along said boundary line to the twenty-seventh degree of longitude west from Washington; thence southward along said twenty-seventh degree of longitude to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Montana: *Provided*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory or changing its boundaries in such manner and at such time as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States: *Provided, further*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribes, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Montana, until said tribe shall signify their assent to the President of the United States to be included within said Territory, or to affect the authority of the Government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent for the Government to make if this act had never passed. (a)

Territory of Montana established. Boundaries.

Territory may be divided, boundaries changed, &c.

Rights of Indians preserved.

SEC. 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States, nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents.

Extent and limits of legislative power.

SEC. 10. * * * There shall also be appointed by the President of the United States, by and with the advice and consent of the Senate, a surveyor-general for said Territory, who shall locate his office at such place as the Secretary of the Interior shall from time to time direct, and whose duties, powers, obligations, responsibilities, compensation, and allowances for clerk hire, office rent, fuel, and incidental expenses, shall be the same as those of the surveyor-general of New Mexico, under the

Surveyor-general.

Compensation and allowances.

direction of the Secretary of the Interior, and such instructions as he may from time to time deem it advisable to give. (b)

School lands. SEC. 14. *And be it further enacted*, That when the lands in the said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory and in the States and Territories hereafter to be erected out of the same. (c)

(a) See No. 1974.

(b) See Nos. 1968, 1970, 1973.

(c) See No. 1973.

July 2, 1864.
Vol. 13, p. 344.

No. 1968.—AN ACT making appropriations, &c.

[Dakota and Montana to be one surveying district. See COLORADO, No. 2172.]

July 2, 1864.
Vol. 13, p. 355.

No. 1969.—AN ACT granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget's Sound, on the Pacific Coast, by the northern route.

[See MINNESOTA, No. 1873.]

March 2, 1867.
Vol. 14, p. 542.

No. 1970.—AN ACT to create the office of surveyor-general in the Territory of Montana, and establish a land office in the Territories of Montana and Arizona.

Surveyor-general for Montana. *Be it enacted, &c.*, That the President, by the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a surveyor-general for Montana, whose annual salary shall be three thousand dollars, and whose power, authority, and duties shall be the same as those

Clerk hire, of proper allowances for clerk hire, office rent and fuel, what is now allowed by law to the surveyor-general of Oregon. He shall have

Montana and Arizona land districts established. SEC. 2. *And be it further enacted*, That the public lands within the Territories of Montana and Arizona, to which the Indian title is or shall be extinguished, shall each respectively constitute a new land district to be called the Montana district and the Arizona district respectively, and the President is hereby authorized to appoint, by and with the

Registers and receivers. advice and consent of the Senate, a register and receiver of public moneys for each of said districts respectively, who shall be required to reside at the places at which said offices shall be located, and they shall have

Their duties and compensation. the same powers, perform the same duties, and be entitled to the same offices of the United States in other Territories. (b)

Location of offices. SEC. 3. *And be it further enacted*, That the Secretary of the Interior is hereby authorized to locate said offices of surveyor-general and registers and receivers of public moneys.

Arizona attached to surveying district of California. SEC. 4. *And be it further enacted*, That the Territory of Arizona is hereby attached so the surveying district of California.

(a) See Nos. 1967, 1968, 1973.

(b) See Nos. 1979, 1982.

March 1, 1872.
Vol. 17, p. 32.

No. 1971.—AN ACT to set apart a certain tract of land lying near the head-waters of the Yellowstone River as a public park.

[See WYOMING, No. 1957.]

June 1, 1872.
Vol. 17, p. 212.

No. 1972.—AN ACT granting a right of way to the Utah, Idaho, and Montana Railroad Company.

[See UTAH, No. 2207.]

June 5, 1872.
Vol. 17, p. 236.

No. 1973.—AN ACT to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana.

Flathead and other Indians to be removed from Bitter Root Valley to the Jocko reservation. *Be it enacted, &c.*, That it shall be the duty of the President, as soon as practicable, to remove the Flathead Indians, (whether of full or mixed bloods,) and all other Indians connected with said tribe, and recognized as members thereof, from Bitter Root Valley, in the Territory of Montana, to the general reservation in said Territory, (commonly known as the Jocko reservation,) which by a treaty concluded at Hell Gate, in the Bitter Root Valley, July sixteenth, eighteen hundred and fifty-five,

and ratified by the Senate March eighth, eighteen hundred and fifty-nine, between the United States and the confederated tribes of Flathead, Kootenai, and Pend d'Oreille Indians, was set apart and reserved for the use and occupation of said confederated tribes.

SEC. 2. That as soon as practicable after the passage of this act, the surveyor-general of Montana Territory shall cause to be surveyed, as other public lands of the United States are surveyed, the lands in the Bitter Root Valley lying above the Lo-Lo fork of the Bitter Root River; (a) and said lands shall be open to settlement, and shall be sold in legal subdivisions to actual settlers only, the same being citizens of the United States, or having duly declared their intention to become such citizens, said settlers being heads of families, or over twenty-one years of age, in quantities not exceeding one hundred and sixty acres to each settler, at the price of one dollar and twenty-five cents per acre, payment to be made in cash within twenty-one months from the date of settlement, or of the passage of this act. (b) The sixteenth and thirty-sixth sections of said lands shall be reserved for school purposes in the manner provided by law. (c) Town sites in said valley may be reserved and entered as provided by law: *Provided*, That no more than fifteen townships of the lands so surveyed shall be deemed to be subject to the provisions of this act: *And provided further*, That none of the lands in said valley above the Lo-Lo fork shall be open to settlement under the homestead and pre-emption laws of the United States. An account shall be kept by the Secretary of the Interior of the proceeds of said lands, and out of the first moneys arising therefrom there shall be reserved and set apart for the use of said Indians the sum of fifty thousand dollars, to be by the President expended, in annual instalments, in such manner as in his judgment shall be for the best good of said Indians, but no more than five thousand dollars shall be expended in any one year.

SEC. 3. That any of said Indians, being the head of a family, or twenty-one years of age, who shall, at the passage of this act, be actually residing upon and cultivating any portion of said lands, shall be permitted to remain in said valley and pre-empt without cost the land so occupied and cultivated, not exceeding in amount one hundred and sixty acres for each of such Indians, for which he shall receive a patent without power of alienation: *Provided*, That such Indian shall, prior to August first, eighteen hundred and seventy-two, notify the superintendent of Indian affairs for Montana Territory that he abandons his tribal relations with said tribe, and intends to remain in said valley: *And provided further*, That said superintendent shall have given such Indian at least one month's notice prior to the date last above mentioned of the provisions of this act and of his right so to remain as provided in this section of this act.

SEC. 4. That in case John Owen, an actual settler in said valley, above the Lo-Lo fork, shall come within the provisions of the act of Congress of September twenty-seventh, eighteen hundred and fifty, entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands," and the acts amendatory thereof, he shall be permitted to establish such fact in the land office in the said Territory of Montana, and, upon proof of compliance with the provisions of said act or acts, shall be permitted to obtain title, in the manner provided therein, to such quantity of land as he may be entitled to under the same. All disputes as to title to any lands mentioned in this act shall be decided according to the rules governing the decision of disputes in ordinary cases under the pre-emption laws of the United States.

(a) See Nos. 1967, 1968, 1970.

(b) See Nos. 1977, 1980, 1983.

(c) See No. 1967.

No. 1974.—AN ACT to readjust the western boundary of Dakota Territory.

Be it enacted, &c., That all that portion of Dakota Territory lying west of the one hundred and eleventh meridian of longitude which, by an erroneous definition of the boundaries of said Territory by a former act of Congress, remains detached and distant from Dakota proper some two hundred miles, be, and the same is hereby, attached to the adjoining Territory of Montana. (a)

(a) See No. 1967.

Certain lands in Bitter Root Valley, Montana Territory, to be surveyed and open to settlement.

May be sold to whom, &c.

Quantity and price.

School sections.

Town sites.

Provisions.

Account of sales to be kept, and proceeds how applied.

Certain Indians may remain in the valley and pre-empt 160 acres.

Patent.

Notice of intent to be given before, &c.

Notice to Indians.

John Owen may obtain title to certain lands, if, &c.

Disputes as to title; how to be decided.

Feb. 17, 1873.

Vol. 17, p. 464.

Certain portion of Dakota Territory, attached to Montana Territory.

March 3, 1873. No. 1975.—AN ACT granting the right of way through the public lands to the Utah Northern Railroad Company.

[See UTAH, No. 2208.]

March 3, 1873. No. 1976.—AN ACT to authorize the Secretary of the Interior to negotiate with the chiefs and head-men of the Crow tribe of Indians, for the surrender of their reservation or a part thereof in the Territory of Montana.

Secretary of the Interior may negotiate with the Crow Indians for surrender of their reservation in Montana, if, &c. *Be it enacted, &c.,* That the Secretary of the Interior be, and he is hereby, authorized to negotiate with the chiefs and head-men of the Crow tribe of Indians, in the Territory of Montana, for the surrender of their reservation in said Territory, or of such part thereof as may be consistent with the welfare of the said Indians; *Provided,* That any such negotiation shall leave the remainder of said reservation in compact form and in good locality for farming purposes, having within it a sufficiency of good land for farming and a sufficiency for water and timber; and if there is upon such reservation a locality where fishing could be valuable to the Indians, to include the same if practicable; and the Secretary shall report his action in pursuance of this act to Congress, at the next session thereof, for its confirmation or rejection.

Feb. 11, 1874. No. 1977.—AN ACT to amend the act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitterroot Valley, in the Territory of Montana," approved June fifth, eighteen hundred and seventy-two.

Sale of lands in Bitterroot Valley. Time extended. *Be it enacted, &c.,* That the time of sale and payment of pre-empted lands in the Bitterroot Valley, in the Territory of Montana, is hereby extended for the period of two years from the expiration of the time allotted in the act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitterroot Valley, in the Territory of Montana," approved June fifth, eighteen hundred and seventy-two. SEC. 2. That the benefit of the homestead act is hereby extended to all the settlers on said lands who may desire to take advantage of the same. (a)

(a) See Nos. 1973, 1980, 1983.

April 15, 1874. No. 1978.—AN ACT to establish a reservation for certain Indians in the Territory of Montana.

Indian reservation established in Montana. Boundaries. *Be it enacted, &c.,* That the following described tract of country, in the Territory of Montana, be, and the same is hereby, set apart for the use and occupation of the Gros Ventre, Piegan, Blood, Blackfoot, River Crow, and such other Indians as the President may, from time to time, see fit to locate thereon, viz: Commencing at the northwest corner of the Territory of Dakota, being the intersection of the forty-ninth parallel of north latitude and the one hundred and fourth meridian of west longitude; thence south to the south bank of the Missouri River; thence up and along the south bank of said river, to a point opposite the mouth of the Maria's River; thence along the main channel of the Maria's River to Birch Creek; thence up the main channel of Birch Creek to its source; thence west to the summit of the main chain of the Rocky Mountains; thence along the summit of the Rocky Mountains to the northern boundary of Montana; thence along said northern boundary to the place of beginning.

June 30, 1874. No. 1979.—AN ACT to create the Bozeman land district in the Territory of Montana.

Bozeman land district in Montana established. Boundaries. Location of office. Register and receiver. *Be it enacted, &c.,* That all that portion of the Territory of Montana, lying east of the range line between ranges two and three west of the principal meridian and south of the first standard parallel north of the base line, of the public land surveys of said Territory, shall be constituted a separate land district, to be known as the Bozeman land district, the office of which shall be located at Bozeman, but may be changed from time to time, by the direction of the President of the United States, as the interests of the public service may require. SEC. 2. That the President shall appoint, by and with the consent of the Senate, a register and a receiver of the public moneys of the United States for said district; and said officers shall reside in the place where the land office is located, and they shall have the same powers and receive the same emoluments as are or may be prescribed by law in relation to land officers of the United States in other Territories. (a)

(a) See Nos. 1970, 1982.

No. 1980.—AN ACT making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes.

June 22, 1874.
Vol. 13, p. 173.

For the second of ten installments, to be paid, under direction of the President, to the Flathead Indians removed from the Bitter Root Valley to the Jocko reservation, in the Territory of Montana, five thousand dollars: *Provided*, That the proceeds of the sales of land in Bitter Root Valley, Montana Territory, referred to in the second section of the act of Congress approved June fifth, eighteen hundred and seventy-two, entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana," shall be paid into the Treasury of the United States; in the same manner that other moneys derived from the sale of other public lands are now paid in: (a) *And provided further*, That in lieu of the amount provided to be set apart therefrom by the act of Congress of June fifth, eighteen hundred and seventy-two, hereinbefore referred to there shall be annually appropriated, out of any money in the Treasury of the United States, not otherwise appropriated, the sum of five thousand dollars, for the period of ten years, to be expended, under the direction of the President, in the manner deemed for the best good of the Indians who have been removed from Bitter Root Valley: *And provided further*, That no part of said sum shall be paid to any Indian of said tribe who shall not have settled upon the Jocko reservation.

Instalment to Flathead Indians in Montana.

Proceeds of sales of certain lands in Bitter Root Valley to be paid into the Treasury.

Annuity.

How to be expended.

Proviso.

(a) See Nos. 1973, 1977, 1983.

No. 1981.—AN ACT creating the Utah and Northern Railway Company, a corporation in the Territories of Utah, Idaho and Montana, and granting the right of way to said company through the public lands.

June 30, 1878.
Vol. 20, p. 241.

[See Utah, No. 2214.]

No. 1982.—AN ACT for the establishment of a land office in the Territory of Montana.

April 30, 1880.
Vol. 21, p. 81.

Be it enacted, &c., That all that portion of the Territory of Montana which lies east of the twenty-seventh range east of the principal meridian which is not now or hereafter may be included in any Indian reservation, be, and the same is hereby, designated as the district of the Yellowstone, and constituted a separate land district, with a United States land office at Miles City, within said district.

Yellowstone land district established with office at Miles City.

SEC. 2. The President shall appoint a register and a receiver for said office, who shall be entitled to such compensation as is now provided by law, which compensation shall be paid from the fund appropriated for such purposes. (a)

Register and receiver to be appointed.

(a) See Nos. 1970, 1979.

No. 1983.—AN ACT to authorize the sale of Fort Logan, Montana Territory, and to establish a new post on the frontier.

May 8, 1880.
Vol. 21, p. 114.

Be it enacted, &c., That the Secretary of War be and he is hereby authorized and empowered to establish a new military post at or near the Mussel Shell River in the Territory of Montana, as he may deem best for the protection of the frontier from Indian incursions: *Provided*, The total cost of the same shall not exceed the sum of fifty thousand dollars.

Secretary of War to establish new military post near Mussel Shell River.

SEC. 2. The Secretary of War is hereby authorized and directed, after due notice, to sell at public auction or otherwise dispose of in parcels or otherwise, as he may deem most advantageous to the Government, the site, reservation and buildings of Fort Logan, Montana Territory, and re-invest the proceeds of such sale in the erection of the post authorized by the first section of this act: *Provided*, That such portion of said buildings, or of the materials thereof, as can be profitably removed to said new post, may be reserved from sale and so removed. (a)

To sell or dispose of the site and buildings at Fort Logan.

Proviso.

(a) See Nos. 1973, 1977, 1980.

IDAHO TERRITORY.

- March 3, 1863.
Vol. 12, p. 808. **No. 1964.**—AN ACT to provide a temporary government for the Territory of Idaho.
Be it enacted, &c., That all that part of the territory of the United States included within the following limits, to wit: beginning at a point in the middle channel of the Snake River where the northern boundary of Oregon intersects the same; then follow down said channel of Snake River to a point opposite the mouth of the Kooskooskia, or Clear Water River; thence due north to the forty-ninth parallel of latitude; thence east along said parallel to the twenty-seventh degree of longitude west of Washington; thence south along said degree of longitude to the northern boundary of Colorado Territory; thence west along said boundary to the thirty-third degree of longitude west of Washington; thence north along said degree to the forty-second parallel of latitude; thence west along said parallel to the eastern boundary of the State of Oregon; thence north along said boundary to place of beginning. And the same is hereby created into a temporary government, by the name of the Territory of Idaho: *Provided*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory or changing its boundaries in such manner and at such time as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States: *Provided, further*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribes, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such Territory shall be excepted out of the boundaries, and constitute no part of the Territory of Idaho, until said tribe shall signify their assent to the President of the United States to be included within said Territory, or to affect the authority of the Government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent for the Government to make if this act had never passed. (a)
- Boundaries of the Territory of Idaho may be changed.**
- Indian rights not impaired.**
- Public lands in the Territory. **SEC. 14.** *And be it further enacted*, That when the lands in the said Territory shall be surveyed, under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.
- School sections reserved.**
- (a) See Nos. 1963, 1965.
- May 26, 1864.
Vol. 13, p. 85. **No. 1965.**—AN ACT to provide a temporary government for the Territory of Montana.
[Portion of Territory of Idaho, subsequently Wyoming, made part of Dakota. See WYOMING, No. 1953.]
- July 2, 1864.
Vol. 13, p. 344. **No. 1966.**—AN ACT making appropriations, &c.
[Idaho and Nevada to be part of surveying district of Colorado. See COLORADO, No. 2172.]
- July 2, 1864.
Vol. 13, p. 365. **No. 1967.**—AN ACT granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget's Sound, on the Pacific Coast, by the northern route.
[See MINNESOTA, No. 1873.]

- No. 1988.**—AN ACT for increased facilities of telegraph communication between the Atlantic and Pacific States and the Territory of Idaho. July 2, 1864.
Vol 13, p. 373.
[See NEBRASKA, No. 2097.]
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- No. 1989.**—AN ACT to establish a land office in the Territory of Idaho. June 27, 1866.
Vol 14, p. 77.
Be it enacted, &c., That the public lands within the Territory of Idaho to which the Indian title is or shall be extinguished shall constitute a new land district, to be called the Idaho district, to be located at Boise City, Ada County; and the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a register and receiver of public moneys for said district, who shall be required to reside at the place at which said office shall be located, and they shall have the same powers, perform the same duties, and be entitled to the same compensation as are or may be prescribed by law in relation to land offices of the United States in other Territories. (a)
Duties, pay, &c.
(a) See No. 1996.
Idaho land district established. Location. Register and receiver.
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- No. 1990.**—AN ACT to create the office of surveyor-general in Idaho Territory. June 29, 1866.
Vol. 14, p. 77.
Be it enacted, &c., That the President, by and with the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a surveyor-general for Idaho, whose annual salary shall be three thousand dollars, and whose power, authority, and duties shall be the same as those provided by law for the surveyor-general of Oregon. He shall have proper allowances for clerk hire, office rent, and fuel, not exceeding what is now allowed by law to the surveyor-general of Oregon, and he shall locate his office at Boise City, in said Territory of Idaho. (a)
Salary. Duties. Allowance. Office at Boise City.
(a) See No. 1986.
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- No. 1991.**—AN ACT granting the right of way through the public lands for the construction of a railroad from Great Salt Lake to Portland, Oregon. April 12, 1872.
Vol 17, p. 52.
[See OREGON, No. 2269.]
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- No. 1992.**—AN ACT granting a right of way to the Utah, Idaho, and Montana Railroad Company. June 1, 1872.
Vol. 17, p. 212.
[See UTAH, No. 2207.]
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- No. 1993.**—AN ACT supplemental to an act entitled "An act granting the right of way through the public lands for the construction of a railroad from Great Salt Lake to Portland, Oregon," approved April twelfth, eighteen hundred and seventy-two. March 3, 1873.
Vol. 17, p. 612.
[See OREGON, No. 2272.]
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- No. 1994.**—AN ACT granting the right of way through the public lands to the Utah Northern Railroad Company. March 3, 1873.
Vol. 17, p. 612.
[See UTAH, No. 2208.]
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- No. 1995.**—AN ACT creating the Utah and Northern Railway Company, a corporation in the Territories of Utah, Idaho, and Montana, and granting the right of way to said company through the public lands. June 30, 1878.
Vol. 20, p. 241.
[See UTAH, No. 2214.]
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- No. 1996.**—AN ACT to create an additional land district in the Territory of Idaho. Feb. 4, 1879.
Vol. 20 p. 282.
Be it enacted, &c., That all that portion of the Territory of Idaho described and bounded as follows, namely: commencing at the southeastern corner of said Territory: thence running west on the line between said Territory and the Territory of Utah to the line between ranges numbered twenty-three and twenty-four east, Boise meridian; thence north to the southern boundary of Lemhi County; thence west to the western line of said Lemhi County; thence north on said western line of said county to the line between the Territories of Idaho and
Oneida land district.

- Proviso. Montana; thence easterly on said Territorial line to the eastern boundary of the Territory of Idaho; thence south on the line of the eastern boundary of Idaho Territory to the place of beginning, shall constitute a separate land district, to be called Oneida land district, the office of which shall be located at Oxford, in Oneida County: *Provided*, The President of the United States may change the location of said land office, from time to time, as the public interests may require.
- Register and receiver. SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate, or during the recess thereof, a register and a receiver of public moneys for said district; and said officers shall reside in the place where said land office is located, and shall have the same powers and responsibilities; and shall receive the same fees and emoluments as like officers now receive in other land-offices in said Territory.
- Unfinished business. SEC. 3. That all persons in said district who, prior to the opening of said Oneida land office, shall have filed their declaratory statements, or application for pre-emption, homestead, or other land rights, in any land office, in said Territory of Idaho, shall hereafter make proofs and entries at said Oneida land office; and all unfinished business in any other land office relating exclusively to lands in said Oneida land district shall be transferred to said Oneida land office when notified by the officers of the opening thereof. (a)
- (a) See No. 1989.

K A N S A S .

No. 1997.—A RESOLUTION to sanction an agreement made between the Wyandotts and Delawares for the purchase of certain lands by the former, of the latter tribe of Indians. July 25, 1848.
Vol. 9, p. 337.

Resolved, &c., That the agreement, in writing, between the Delaware nation of Indians and the Wyandott nation of Indians, made and entered into on the fourteenth day of December, eighteen hundred and forty-three, for the purchase of certain lands by the latter, of the former tribe of Indians, and which said agreement, in writing, is as follows: on the 14th December, 1843, for the purchase of certain lands by the latter of the former, confirmed.

"Whereas, from a long and intimate acquaintance, and the ardent friendship which has for a great many years existed between the Delawares and Wyandotts, and from a mutual desire that the same feeling shall continue and be more strengthened by becoming near neighbors to each other; therefore the said parties, the Delawares on one side, and the Wyandotts on the other, in full council assembled, have agreed, and do agree, to the following stipulations, to wit:—

ARTICLE 1. The Delaware nation of Indians, residing between the Missouri and Kansas rivers, being very anxious to have their uncles, the Wyandotts, to settle and reside near them, do hereby donate, grant, and quit-claim forever, to the Wyandott nation, three sections of land, containing six hundred and forty acres each, lying and being situated at the point of the junction of the Missouri and Kansas rivers.

ART. 2. The Delaware chiefs, for themselves and by the unanimous consent of their people, do hereby cede, grant, quit-claim to the Wyandott nation, and their heirs forever, thirty-six sections of land, each containing six hundred and forty acres, situated between the aforesaid Missouri and Kansas rivers, and adjoining on the west the aforesaid three donated sections, making in all thirty-nine sections of land, bounded as follows, viz.: Commencing at the point at the junction of the aforesaid Missouri and Kansas rivers, running west along the Kansas River sufficiently far to include the aforesaid thirty-nine sections; thence running north to the Missouri River; thence down the said river with its meanders to the place of beginning; to be surveyed in as near a square form as the rivers and territory ceded will admit of.

ART. 3. In consideration of the foregoing donation and cession of land, the Wyandott chiefs bind themselves, successors in office, and their people, to pay to the Delaware nation of Indians forty-six thousand and eighty dollars, as follows, viz.: six thousand and eighty dollars to be paid the year eighteen hundred and forty-four, and four thousand dollars annually thereafter for ten years.

ART. 4. It is hereby distinctly understood, between the contracting parties, that the aforesaid agreement shall not be binding or obligatory until the President of the United States shall have approved the same, and caused it to be recorded in the War Department." Provido.

be, and the same is hereby, confirmed: *Provided*, That the Wyandott Indian nation shall take no better right or interest in and to said lands than is now vested in the Delaware nation of Indians.

No. 1998.—AN ACT to organize the Territories of Nebraska and Kansas.

May 30, 1854.
Vol. 10, p. 277.

SEC. 19. *And be it further enacted*, That all that part of the territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit, beginning at a point on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence west on said parallel to the eastern boundary of New Mexico; thence north on said boundary to latitude thirty-eight; thence following said boundary westward to the east boundary of the Territory of Utah, on the summit of the Rocky Mountains;

Temporary
government for
Territory of
Kansas estab-
lished.
Boundaries.

thence northward on said summit to the fortieth parallel of latitude; thence east on said parallel to the western boundary of the State of Missouri; thence south with the western boundary of said State to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Kansas; and when admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission: *Provided*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States: *Provided further*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Kansas, until said tribe shall signify their assent to the President of the United States to be included within the said Territory of Kansas, or to affect the authority of the Government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the Government to make if this act had never passed. (a)

SEC. 34. *And be it further enacted*, That when the lands in the said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same. (b)

(a) See Nos. 2000, 2003, 2008.

(b) See Nos. 1856, 2002, 2003, 2008, 2036, 2040, 2046, 2061.

July 22, 1854.
Vol. 10, p. 308.

No. 1899.—AN ACT to establish the offices of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes.

SEC. 10. *And be it further enacted*, That the President of the United States shall be and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a surveyor-general for the Territories of Nebraska and Kansas, who shall locate his office at such place as the President of the United States shall from time to time direct, and whose duties, powers, obligations and responsibilities and compensation shall be the same as those of the surveyor-general of Wisconsin and Iowa, and who shall be allowed the same amount for office rent, fuel, incidental expenses, and clerk hire, as is allowed to said surveyor-general of Wisconsin and Iowa.

SEC. 11. *And be it further enacted*, That said surveyor-general shall cause the necessary surveys to be made in said Territories of standard meridian, base, and parallel lines, and of township and subdivisional lines, under such rules and regulations as shall be prescribed by the Commissioner of the General Land Office. (a)

SEC. 12. *And be it further enacted*, That all the lands to which the Indian title has been or shall be extinguished within said Territories of Nebraska and Kansas, shall be subject to the operations of the preemption act of fourth September, eighteen hundred and forty-one, and under the conditions, restrictions, and stipulations therein mentioned; *Provided*, however, That where unsurveyed lands are claimed by preemption, notice of the specific tracts claimed shall be filed within three months after the survey has been made in the field, and on failure to file such notice or to pay for the tracts claimed before the day fixed for the public sale

Proviso.

of the lands by the proclamation of the President of the United States, the parties claiming such lands shall forfeit all right thereto: *Provided*, Said notices may be filed with the surveyor-general, and to be noted by him on the township plats, until other arrangements shall have been made by law for that purpose. (b)

SEC. 13. *And be it further enacted*, That the public lands in the Territory of Nebraska, to which the Indian title shall have been extinguished, shall constitute a new land district to be called the Omaha district; and the public lands in the Territory of Kansas, to which the Indian title shall have been extinguished, shall constitute a new land district, to be called the Pawnee district: the officers for each of which districts shall be established at such points as the President may deem expedient; and he is hereby authorized to appoint, by and with the advice and consent of the Senate, a register and receiver of public moneys for each of said districts, who shall each be required to reside at the site of their respective offices, and they shall have the same powers, perform the same duties, and be entitled to the same compensation as are or may be prescribed by law in relation to other land offices of the United States. (c) And the President is hereby authorized to cause the surveyed lands to be exposed for sale from time to time, in the same manner and upon the same terms and conditions as the other public lands of the United States. (b)

Proviso.

Omaha land district.

Pawnee land district.

Place of office. Register and receiver for said districts to be appointed.

Land to be surveyed and exposed for sale.

(a) See No. 3066.

(b) See Nos. 1148, 3001, 3014, 3020, 3022, 3023, 3026, 3030, 3036, 3040, 3042, 3043, 3045, 3046, 3047, 3049, 3050, 3051, 3053, 3055, 3056, 3059, 3060, 3061, 3062, 3063, 3064, 3067, 3068, 3069, 3073, 3076, 3078, 3079, 3080.

(c) See Nos. 3001, 3037, 3038, 3048, 3058, 3077.

No. 2000.—AN ACT to authorize the President of the United States to cause the southern boundary line of Kansas Territory to be surveyed and marked.

July 8, 1856.
Vol. 11, p. 27.

Be it enacted, &c., That the President of the United States is hereby authorized and directed to cause the southern boundary line of the Territory of Kansas, between the State of Missouri and the Territory of New Mexico, to be surveyed and distinctly marked, and a plat of said survey shall be deposited in the office of the Secretary of the Interior, and another plat of said survey shall be deposited in the office of the secretary of the Territory of Kansas. (a)

Survey of southern boundary of Kansas.

(a) See Nos. 1998, 3003, 3008.

No. 2001.—AN ACT to establish three additional land districts in the Territory of Kansas.

March 3, 1857.
Vol. 11, p. 187.

Be it enacted, &c., That all that portion of the "Pawnee land district," in the Territory of Kansas, created by the thirteenth section of the act approved twenty-second July, eighteen hundred and fifty-four, entitled "An act to establish the offices of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," which is situated north of the north or left bank of the Kansas River, and east of the line which divides ranges eight and nine east, shall constitute a separate district, to be called the "Delaware land district," all that portion of said Pawnee district which is situated south of the nearest township line to the parallel of thirty-eight degrees of north latitude, to be hereafter determined by the Commissioner of the General Land Office, shall constitute an additional district, to be called the "Osage land district," and all that portion of said Pawnee district which lies west of the line dividing ranges eight and nine east and north of the nearest township line to the parallel of thirty-eight degrees of north latitude, shall constitute a district to be called the "Western district," land district," the location of the offices for which shall be designated by the President of the United States, and shall by him, from time to time, be changed as the public interests may seem to require.

Delaware land district constituted.

Osage district constituted.

Western district constituted.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized, whenever the public interests shall require, to appoint, by and with the advice and consent of the Senate, or during the recess thereof, and until the end of the next session of Congress after such appointment, a register and a receiver for each or either of the districts hereby created, who shall respectively be required to reside

Officers for said districts.

at the site of their offices, have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties, which are or may be prescribed by law in relation to other land officers of the United States. (a)

Sales authorized at said districts.

Former sales and locations confirmed.

SEC. 3. *And be it further enacted*, That the President is hereby authorized to cause the public lands in the districts created by this act, with the exception of such as may have been or may be reserved for other purposes, to be exposed to sale in the same manner, and upon the same terms and conditions as other public lands of the United States: (b) *Provided*, That all sales and locations made at the office of the old district of lands situated within the limits of the new districts, which shall be valid and right in other respects, up to the day on which the new offices shall go into operation, be and the same are hereby confirmed.

(a) See Nos. 1999, 2037, 2038, 2048, 2058, 2077.

(b) See Nos. 1148, 1999, 2014, 2020, 2022, 2023, 2026, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

March 3, 1857.
Vol. 11, p. 254.

No. 2002.—A RESOLUTION relative to sections sixteen and thirty-six, in the Territories of Minnesota, Kansas, and Nebraska.

[See MINNESOTA, No. 1856.]

May 4, 1858.
Vol. 11, p. 269.

Preamble.

No. 2003.—AN ACT for the admission of the State of Kansas into the Union.

Whereas, the people of the Territory of Kansas did, by a convention of delegates assembled at Lecompton on the seventh day of November, one thousand eight hundred and fifty-seven, for that purpose, form for themselves a constitution and State government, which constitution is republican; and whereas, at the same time and place, said convention did adopt an ordinance, which said ordinance asserts that Kansas, when admitted as a State, will have an undoubted right to tax the lands within her limits belonging to the United States, and proposes to relinquish said asserted right if certain conditions set forth in said ordinance be accepted and agreed to by the Congress of the United States; and whereas the said constitution and ordinance have been presented to Congress by order of said convention, and admission of said Territory into the Union thereon as a State requested; and whereas said ordinance is not acceptable to Congress, and it is desirable to ascertain whether the people of Kansas concur in the changes in said ordinance, hereinafter stated, and desire admission into the Union as a State as herein proposed: Therefore,

Kansas to be admitted upon condition.

Question of admission with accompanying propositions to be submitted to popular vote.

Propositions.

School lands.

State university lands.

Lands for public buildings.

Salt springs and contiguous lands.

Be it enacted, &c., That the State of Kansas be, and is hereby, admitted into the Union on an equal footing with the original States, in all respects whatever, but upon this fundamental condition precedent, namely: That the question of admission with the following proposition, in lieu of the ordinance framed at Lecompton, be submitted to a vote of the people of Kansas, and assented to by them or a majority of the voters voting at an election to be held for that purpose, namely: (a) That the following propositions be and the same are hereby offered to the people of Kansas for acceptance or rejection, which, if accepted, shall be obligatory on the United States and upon the said State of Kansas, to wit: First. That sections number sixteen and thirty-six in every township of public lands in said State, or where either of said sections or any part thereof has been sold or otherwise disposed of, other lands equivalent thereto and as contiguous as may be, shall be granted to said State for the use of schools. (b) Second. That seventy-two sections of land shall be set apart and reserved for the support of a State University, to be selected by the governor of said State, subject to the approval of the Commissioner of the General Land Office, and to be appropriated and applied in such manner as the legislature of said State may prescribe for the purpose aforesaid, but for no other purpose. (c) Third. That ten entire sections of land, to be selected by the governor of said State, in legal subdivisions, shall be granted to said State for the purpose of completing the public buildings, or for the erection of others at the seat of government, under the direction of the legislature thereof. (d) Fourth. That all salt springs within said State, not exceeding twelve in number, with six sections of land ad-

joining, or as contiguous as may be to each, shall be granted to said State for its use, the same to be selected by the governor thereof, within one year after the admission of said State; and, when so selected, to be used or disposed of on such terms, conditions, and regulations as the legislature may direct: *Provided*, That no salt spring or land the right whereof is now vested in any individual or individuals, or which may hereafter be confirmed or adjudged to any individual or individuals, shall by this article be granted to said State. (e) Fifth. That five per centum of the nett proceeds of sales of all public lands lying within said State which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State for the purpose of making public roads and internal improvements, as the legislature shall direct. (f) *Provided*, The foregoing propositions herein offered are on the condition that said State of Kansas shall never interfere with the primary disposal of the lands of the United States, or with any regulations which Congress may find necessary for securing the title in said soil to bona-fide purchasers thereof, and that no tax shall be imposed on lands belonging to the United States, and that in no case shall non-resident proprietors be taxed higher than residents. Sixth. And that said State shall never tax the lands or property of the United States in that State. (g)

Proviso.

Percentage on land sales.

Proviso: conditions on which propositions are offered.

- (a) See Nos. 1998, 2000, 2008.
 (b) See Nos. 1856, 1998, 2002, 2008, 2036, 2040, 2046, 2061.
 (c) See No. 2008.
 (d) See No. 2008.
 (e) See No. 2008.
 (f) See No. 2008.
 (g) See No. 2008.

No. 2004.—AN ACT to confirm the sale of the reservation held by the Christian Indians, and to provide a permanent home for said Indians.

June 8, 1858.
 Vol. 11, p. 312.

Whereas, by the thirteenth article of a treaty made and concluded at Washington on the sixth day of May, one thousand eight hundred and fifty-four, between the United States of America and the Delaware Indians, a grant of four sections of land was made to the Christian Indians, for which a patent was to be issued to the said Indians, "subject to such restrictions as Congress may provide;" and whereas a patent was so issued to them on the twenty-first day of May, eighteen hundred and fifty-seven; and whereas it fully appears, by the evidence and papers on file before the Committee on Indian Affairs, that the four sections of land set apart by said treaty was, on the twenty-ninth day of May, eighteen hundred and fifty-seven, sold and conveyed by said Christian Indians to one A. J. Isaacks for the consideration of forty-three thousand four hundred dollars, which sum was a fair consideration for said lands: Therefore—

Preamble.

Be it enacted, &c., That upon the payment of the said sum of forty-three thousand four hundred dollars by the said A. J. Isaacks to the Secretary of the Interior, for the use and benefit of said Christian Indians, within ninety days from the passage of this act, it shall then be the duty of the President of the United States to confirm said sale.

Sale of land confirmed to A. J. Isaacks, on his paying \$43,400.

SEC. 2. *And be it further enacted*, That the Secretary of the Interior be, and he hereby is, authorized and required to receive the proceeds of the sale of the said four sections of land, and apply the same as follows: that is to say, so much thereof as may be necessary to the purchase of a suitable tract of land for a permanent home for the Christian Indians, the erection of the necessary buildings for their accommodation, and the purchase of stock, agricultural implements, and whatever else may be necessary to establish them thereon; the balance of the said fund to be invested by the Secretary of the Interior in safe and profitable stocks, the interest whereof shall be applied to the support of a school among the said Christian Indians.

Proceeds, how to be applied.

SEC. 3. *And be it further enacted*, That, whenever the Christian Indians desire it, the tract purchased under the provisions of the preceding section shall be divided among them, under the direction of the President of the United States, to be held in severalty and with all the rights incident to a fee-simple estate: *Provided*, That the said tracts, when so divided, shall be forever inalienable by the grantees or their heirs, except with the consent and approval of the President of the United States.

Land bought, as by preceding section, to be divided among the Indians when they desire.

Proviso.

June 12, 1858.
Vol. 11, p. 329.

No. 2005.—AN ACT making supplemental appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and fifty-nine.

Secretary of Interior to pay to persons of Miami blood their proportion of the back tribal annuities and enroll them on pay-list.

Proviso.
Secretary to locate for such persons each 200 acres of land.

SEC. 3. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to such persons of Miami blood as have heretofore been excluded from the annuities of the tribe since the removal of the Miamies in eighteen hundred and forty-six, and since the treaty of eighteen hundred and fifty-four, and whose names are not included in the supplement to said treaty, their proportion of the tribal annuities from which they have been excluded; and he is also authorized and directed to enroll such persons upon the pay list of said tribe, and cause their annuities to be paid to them in future: *Provided*, That the foregoing payments shall be in full of all claims for annuities arising out of previous treaties. And said Secretary is also authorized and directed to cause to be located for such persons each two hundred acres of land out of the tract of seventy thousand acres reserved by the second article of the treaty of June fifth, eighteen hundred and fifty-four, with the Miamies, to be held by such persons by the same tenure as the locations of individuals are held which have been made under the third article of said treaty.

March 3, 1859.
Vol. 11, p. 425.

No. 2006.—AN ACT making appropriations for sundry civil expenses of the Government for the year ending the thirtieth of June, eighteen hundred and sixty.

Patents for land may issue to Indians in Kansas under treaty, &c.

Proviso.
Not to affect New York Indians.

SEC. 11. *And be it further enacted*, That in all cases where, by the terms of any Indian treaty in Kansas Territory, said Indians are entitled to separate selections of land, and to a patent therefor, under guards, restrictions, or conditions for their benefit, the Secretary of the Interior is hereby authorized to cause patents therefor to issue to such Indian or Indians, and their heirs, upon such conditions and limitation, and under such guards or restrictions as may be prescribed by said Secretary: *Provided*, That nothing herein contained shall be construed to apply to the New York Indians, or to affect their rights under the treaty made by them in eighteen hundred and thirty-eight at Buffalo Creek.

May 26, 1860.
Vol. 12, p. 21.

No. 2007.—AN ACT to settle the titles to certain lands set apart for the use of certain half-breed Kansas Indians, in Kansas Territory.

Preamble.

Reserve by treaty to Kansas Indians.

The interest of the United States is made to vest in the reservees, &c.

Lands of the reservees may be sold in certain cases, and patents to issue therefor.

Whereas by the sixth article of a treaty made and concluded at the city of St. Louis in the State of Missouri, on the third day of June, eighteen hundred and twenty-five, between the United States of America and the Kansas nation of Indians, there was reserved from the lands ceded by said treaty to the United States by said Kansas nation of Indians, one mile square of land for each of the half-breeds of the Kansas nation named in the said sixth article, which land has been surveyed and allotted to each of the said half-breeds in the order in which they are named in, and in accordance with, the provisions of the said sixth article of said treaty: Therefore,

Be it enacted, &c., That all the title, interest and estate of the United States is hereby vested in the said reservees who are now living, to the land reserved, set apart and allotted to them respectively by the said sixth article of said treaty; and in case any of the said reservees named in the said sixth article are deceased and leaving heirs, then all the title, interest or estate of the United States to the land allotted to such deceased reservees, is hereby vested and confirmed in such persons as shall by the Secretary of the Interior be decided to be the heirs of such deceased reservees: but, nothing herein contained shall be construed to give any force, efficacy or binding effect to any contract, in writing or otherwise, for the sale or disposition of any lands named in this act, heretofore made by any of said reservees or their heirs.

SEC. 2. *And be it further enacted*, That in case of any of the reservees now living, or the heirs of any deceased reservees, shall not desire to reside upon, or occupy the lands to which such reservees or such heirs are entitled by the provisions of this act, the Secretary of the Interior, when requested by them or either of them so to do, is hereby authorized to sell such lands belonging to those so requesting him, for the benefit of such reservees, or such heirs; and the Secretary of the Interior is also

authorized to sell, with the assent of the Kansas nation of Indians the lands allotted to the reservees who are deceased leaving no heirs for the benefit of the living reservees, their heirs, and the heirs of those deceased, equally; said lands to be sold in accordance with such rules and regulations as may be prescribed by the Commissioner of Indian Affairs, and approved by [the] Secretary of the Interior; and patents in the usual form shall be issued to the purchasers of said lands, in accordance with the provisions of this act.

SEC. 3. *And be it further enacted*, That the proceeds of the land, the sale of which is provided for by this act, shall be paid to the parties entitled thereto, or applied by the Secretary of the Interior for their benefit, in such manner as he may think most advantageous to their interest. (a)

(a) See No. 2012.

No. 2008.—AN ACT for the admission of Kansas into the Union.

Whereas the people of the Territory of Kansas, by their representatives in convention assembled, at Wyandott, in said Territory, on the twenty-ninth day of July, one thousand eight hundred and fifty-nine, did form for themselves a constitution and State government, republican in form, which was ratified and adopted by the people at an election held for that purpose on Tuesday, the fourth day of October, one thousand eight hundred and fifty-nine, and the said convention has, in their name and behalf, asked the Congress of the United States to admit the said Territory into the Union as a State, on an equal footing with the other States: Therefore

Be it enacted, &c., That the State of Kansas shall be, and is hereby declared to be, one of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever. And the said State shall consist of all the territory included within the following boundaries, to wit: Beginning at a point on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence west on said parallel to the twenty-fifth meridian of longitude west from Washington; thence north on said meridian to the fortieth parallel of latitude; thence east on said parallel to the western boundary of the State of Missouri; thence south with the western boundary of said State to the place of beginning: *Provided*, That nothing contained in the said constitution respecting the boundary of said State shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with such Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the State of Kansas, until said tribe shall signify their assent to the President of the United States to be included within said State, or to affect the authority of the Government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to make if this act had never passed. (a)

SEC. 3. *And be it further enacted*, That nothing in this act shall be construed as an assent by Congress to all or to any of the propositions or claims contained in the ordinance of said constitution of the people of Kansas, or in the resolutions thereto attached; but the following propositions are hereby offered to the said people of Kansas for their free acceptance or rejection, which, if accepted, shall be obligatory on the United States and upon the said State of Kansas, to wit: First, That sections numbered sixteen and thirty-six in every township of public lands in said State, and where either of said sections or any part thereof has been sold or otherwise been disposed of, other lands, equivalent thereto and as contiguous as may be, shall be granted to said State for the use of schools. (b) Second, That seventy-two sections of land shall be set apart and reserved for the use and support of a State university, to be selected by the governor of said State, subject to the approval of the Commissioner of the General Land Office, and to be appropriated and applied in such manner as the legislature of said State may prescribe

Jan. 29, 1861.
Vol. 12, p. 120.

Preamble.

Kansas admitted as a State.

Boundaries.

Proviso.
Indian rights to be preserved.

Congress does not assent, &c.

Propositions to be submitted to popular vote.

School lands.

State university lands.

Lands for public buildings. for the purpose aforesaid, but for no other purpose. (c) Third, That ten entire sections of land, to be selected by the governor of said State, in legal subdivisions, shall be granted to said State for the purpose of completing the public buildings, or for the erection of others at the seat of government, under the direction of the legislature thereof. (d) Fourth, That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining or as contiguous as may be to each, shall be granted to said State for its use, the same to be selected by the governor thereof within one year after the admission of said State, and when so selected to be used or disposed of on such terms, conditions, and regulations as the legislature shall direct: *Provided*, That no salt spring or land, the right whereof is now vested in any individual or individuals, or which may be hereafter confirmed or adjudged to any individual or individuals, shall by this article be granted to said State. (e) Fifth, That five per centum of the net proceeds of sales of all public lands lying within said State which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State for the purpose of making public roads and internal improvements, or for other purposes, as the legislature shall direct. (f) *Provided*, That the foregoing propositions hereinbefore offered are on the condition that the people of Kansas shall provide by an ordinance, irrevocable without the consent of the United States, that said State shall never interfere with the primary disposal of the soil within the same by the United States, or with any regulations Congress may find necessary for securing the title in said soil to bona-fide purchasers thereof. Sixth, And that the said State shall never tax the lands or the property of the United States in said State. (g) *Provided, however*, That in case any of the lands herein granted to the State of Kansas have heretofore been confirmed to the Territory of Kansas for the purposes specified in this act, the amount so confirmed shall be deducted from the quantity specified in this act.

Salt springs and contiguous lands.

Proviso.

Percentage on land sales.

Proviso: conditions on which propositions are offered.

State not to tax property of the United States in said State.

Proviso as to lands heretofore confirmed to the Territory of Kansas.

- (a) See Nos. 1998, 2000, 2003.
 (b) See Nos. 1856, 1998, 2001, 2003, 2036, 2040, 2046, 2061.
 (c) See No. 2003.
 (d) See No. 2003.
 (e) See No. 2003.
 (f) See No. 2003.
 (g) See No. 2003.

March 1, 1861. Vol. 12, p. 888. **No. 2009.**—AN ACT for the relief of Greenbury M. Watkins, of Montgomery County, Maryland.

Patent for a quarter-section of land to issue to Greenbury M. Watkins. *Be it enacted, &c.*, That the Commissioner of the General Land Office be, and he is hereby, authorized and required to cancel the patent issued in the name of Thomas Stewart for the northeast quarter of section twenty-five, in township eight, of range nineteen, in the district of lands subject to sale at Fort Leavenworth, Kansas, bearing date the first day of October, A. D. eighteen hundred and fifty-eight, and numbered one hundred and ninety-eight; and that said Commissioner be, and he is hereby, authorized and directed to issue a patent for the said northeast quarter of section twenty-five, in township eight, of range nineteen, to Greenbury M. Watkins, of Montgomery County, Maryland, as the assignee of the said Stewart.

March 2, 1861. Vol. 12, p. 891. **No. 2010.**—AN ACT to enable the trustees of the Bluemont College to pre-empt a certain quarter-section of land, and for other purposes.

Bluemont College Association to pre-empt certain land in Kansas. *Be it enacted, &c.*, That the following persons: Isaac Goodnow, S. D. Houston, Washington Marlatt, Charles E. Blood, Joseph Dennison, William H. McCollom, John Paulson, John Pipher, and John Kimball, trustees of the Bluemont College association be, and they are hereby, empowered to enter at the proper land office, the following-described quarter-section of land, to wit:

The southwest quarter of section twelve, township ten south, of range seven east, in the district of lands subject to sale at Junction City, in Kansas Territory; for the use and benefit of the said college association, the said property to be held exclusively for the benefit of the said college, and to be regulated or disposed of under such rules and regulations as the legislature of the Territory or State may prescribe. (a)

- (a) See No. 2017.

No. 2011.—AN ACT to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes.

July 1, 1862.
Vol. 12, p. 489.

[See NEBRASKA, No. 2092.]

No. 2012.—A RESOLUTION to repeal and modify sections two and three of an act entitled "An act to settle the titles to certain lands set apart for the use of certain half-breed Kansas Indians in Kansas Territory," approved May twenty-six, eighteen hundred and sixty, and to repeal part of section one of said act.

July 17, 1862.
Vol. 12, p. 628.

Resolved, &c., That sections two and three of an act entitled "An act to settle the titles to certain lands set apart for the use of certain half-breed Kansas Indians in Kansas Territory," approved May twenty-six, one thousand eight hundred and sixty, and so much of the first section as authorizes the Secretary of the Interior to decide what persons are heirs to deceased reservees as mentioned therein be and the same are hereby, repealed. (a)

Repeal of part of act of 1860.

(a) See No. 2007.

No. 2013.—A RESOLUTION suspending the sale by sealed bids, of the lands of the Kansas and Sac and Fox Indians.

July 17, 1862.
Vol. 12, p. 630.

Resolved, &c., That the sales of the lands of the Kansas and Sac and Fox tribes of Indians of the State of Kansas, by sealed bids, be, and the same are postponed until the fourth day of March, eighteen hundred and sixty-three, any treaty or law to the contrary notwithstanding. (a)

Sale of lands of the Sac and Foxes, by sealed bids, suspended.

(a) See No. 2045.

No. 2014.—AN ACT for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State.

March 3, 1863.
Vol. 12, p. 772.

Be it enacted, &c., That there be, and is hereby, granted to the State of Kansas, for the purpose of aiding in the construction: First, of a railroad and telegraph from the city of Leavenworth by the way of the town of Lawrence, and via the Ohio City crossing of the Osage River, to the southern line of the State, in the direction of Galveston Bay in Texas, with a branch from Lawrence by the valley of the Wakarusa River, to the point on the Atchison, Topeka, and Santa Fé Railroad where said road intersects the Neosho River. Second, of a railroad from the city of Atchison, via Topeka, the capital of said State, to the western line of the State, in the direction of Fort Union and Santa Fé, New Mexico, with a branch from where this last-named road crosses the Neosho, down said Neosho Valley to the point where the said first-named road enters the said Neosho Valley; every alternate section of land, designated by odd numbers, for ten sections in width on each side of said roads and each of its branches. But in case it shall appear that the United States have, when the lines or routes of said road and branches are definitely fixed, sold any section or any part thereof, granted as aforesaid, or that the right of preëmption or homestead settlement has been attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior to cause to be selected, for the purposes aforesaid, from the public lands of the United States nearest to tiers of sections above specified, so much land, in alternate sections or parts of sections, designated by odd numbers, as shall be equal to such lands as the United States have sold, reserved, or otherwise appropriated, or to which the rights of preëmption or homestead settlements have attached as aforesaid; which lands, thus indicated by odd numbers and selected by direction of the Secretary of the Interior as aforesaid, shall be held by the State of Kansas for the use and purpose aforesaid: *Provided*, That the land to be so selected shall, in no case, be located further than twenty miles from the lines of said road and branches: *Provided, further*, That the lands hereby granted for and on account of said roads and branches severally, shall be exclusively applied in the construction of the same, and for no other purpose whatever, and shall be disposed of only as the work progresses through the same, as in this act herein-after provided: *Provided, also*, That no part of the land granted by this act shall be applied to aid in the construction of any railroad or part thereof, for the construction of which any previous grant of land or bonds may have been made by Congress: *And provided, further*, That any and all lands heretofore reserved to the United States, by any act

Alternate sections of land, &c., granted to Kansas to aid in construction of railroads.

If any section has been sold, &c., an equal quantity to be given in lieu thereof.

Proviso.

To what roads only this land to be applied.

Certain lands of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby, reserved to the United States from the operations of this act, except so far as it may be found necessary to locate the routes of said road and branches through such reserved lands; in which case the right of way only shall be granted, subject to the approval of the President of the United States. (a)

Sections remaining to the United States not to be sold for less than double the minimum price.

Not to be subject to private entry, until offered at public sale to highest bidder.

Settlers on reserved sections.

Lands granted only for what purposes.

Roads, &c., to be public highways, &c.

How lands may be disposed of.

Upon completion of any twenty consecutive miles of a road or branch, &c.

Upon completion of second section of twenty miles, &c.

Upon completion of whole road, &c.

Roads to be completed within ten years.

Mail to be transported over road, &c.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which, by such grant, shall remain to the United States, within ten miles on each side of said road and branches, shall not be sold for less than double the minimum price of the public lands when sold; nor shall any of said lands become subject to sale at private entry until the same shall have been first offered at public sale to the highest bidder, at or above the increased minimum price, as aforesaid: *Provided*, That actual and bona-fide settlers, under the provisions of the preemption and homestead laws of the United States, may, after due proof of settlement, improvement, cultivation, and occupation, as now provided by law, purchase the same, at the increased minimum price aforesaid: *And provided also*, That settlers on any of said reserved sections, under the provisions of the homestead law, who improve, occupy, and cultivate the same for a period of five years, and comply with the several conditions and requirements of said act, shall be entitled to patents for an amount not exceeding eighty acres each, anything in this act to the contrary notwithstanding. (b)

SEC. 3. *And be it further enacted*, That the said lands hereby granted to said State shall be subject to the disposal of the legislature thereof, for the purposes aforesaid, and no other; and the said railroads and branches shall be and remain public highways, for the use of the Government of the United States, free from all toll or other charge upon the transportation of any property or troops of the United States.

SEC. 4. *And be it further enacted*, That the lands hereby granted to said State shall be disposed of by said State only in manner following, that is to say: When the governor of said State shall certify to the Secretary of the Interior that any twenty consecutive miles of either of said roads or branches is completed in a good, substantial, and workmanlike manner, as a first-class railroad, and the said Secretary shall be satisfied that said State has complied in good faith with this requirement, the said State may cause to be sold all the lands granted as aforesaid situated opposite to and within a limit of ten miles of the line of said section of road thus completed, extending along the whole length of said completed section of twenty miles of road, and no further. And when the governor of said State shall certify to the Secretary of the Interior, and the Secretary shall be satisfied, that another section of said roads or branches, twenty consecutive miles in extent, connecting with the preceding section, is completed as aforesaid, the said State may cause to be sold all the lands granted and situated opposite to and within the limit of ten miles of the line of said completed section of road, and extending the length of said section, and so, from time to time, until said roads and branches are completed. And when the governor of said State shall so certify, and the Secretary of the Interior shall be satisfied, that the whole of said roads and branches and telegraph are completed in a good, substantial, and workmanlike manner, as first-class railroads and telegraph, the said State may cause to be sold all the remaining lands granted and selected for the purposes indicated in this act situated within the said limits of twenty miles from the line thereof throughout the entire length of said road and branches: *Provided*, That if any part of said roads and branches is not completed within ten years from the passage of this act, no further sale shall be made, and the lands unsold shall revert to the United States. (a)

SEC. 5. *And be it further enacted*, That the United States mail shall be transported over said roads and branches, under the direction of the Post-Office Department, at such price as Congress may by law direct: *Provided*, That until such price is fixed by law the Postmaster General shall have the power to determine the same.

(a) See Nos. 2011, 2015, 2016, 2018, 2019, 2020, 2022, 2023, 2024, 2027, 2029, 2031, 2033, 2034, 2044, 2057, 2065, 2070, 2075

(b) See Nos. 1148, 1999, 2001, 2020, 2022, 2023, 2026, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

No. 2015.—AN ACT making an additional grant of lands to the State of Kansas to aid in the construction of railroad and telegraph lines.

July 1, 1864.
Vol. 13, p. 339.

Be it enacted, &c., That there be, and hereby is, granted to the State of Kansas, to aid in the construction of a railroad and telegraph line from Emporia, via Council Grove, to a point near Fort Riley, on the branch Union Pacific Railroad, in said State, every alternate section of land designated by odd numbers for ten sections in width on each side of said road: *Provided,* That this grant shall be subject to all the provisions, restrictions, limitations, and conditions, in regard to selection and location of lands and otherwise, of an act of Congress approved March three, eighteen hundred and sixty-three, entitled "An act for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State:" *Provided,* That said railroad shall be a public highway and shall transport troops and munitions of war of the United States free of charge.

Land granted to Kansas for railroads and telegraphs.

Grant subject to conditions.

Railroad to be a public highway.

SEC. 2. *And be it further enacted,* That the branch railroad and telegraph from "Lawrence, by the valley of the Wakarusa River, to a point on the Atchison, Topeka, and Santa Fe Railroad, where said road intersects the Neosho River," to aid in the construction of which a grant of lands was made by the said act of third of March, eighteen hundred and sixty-three, shall be so changed as to run from Lawrence to Emporia, and have and receive the grant of lands made by said act: *Provided,* That the line of railroad and telegraph from Leavenworth, by way of Lawrence and the Ohio City crossing of the Osage River, to the southern line of the State in the direction of Galveston Bay, shall run via Baldwin City. (a)

Route of a certain railroad and telegraph changed.

Proviso.

(a) See Nos. 2011, 2014, 2016, 2018, 2019, 2020, 2022, 2023, 2024, 2027, 2029, 2031, 2033, 2034, 2044, 2057, 2065, 2070, 2075.

No. 2016.—AN ACT to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July first, eighteen hundred and sixty-two.

July 2, 1864.
Vol. 13, p. 356.

[See NEBRASKA, No. 2096.]

No. 2017.—AN ACT to amend an act entitled "An act to enable the trustees of the Blue Mont College to preëempt a certain quarter-section of land," approved March two, eighteen hundred and sixty-one.

July 2, 1864.
Vol. 13, p. 585.

Be it enacted, &c., That the act entitled "An act to enable the trustees of the Blue Mont College to preëempt a certain quarter-section of land," approved March two, eighteen hundred and sixty-one, be, and is hereby, so amended as to authorize the legally constituted trustees of said college to locate on said tract of land any military bounty-land warrant act or land warrants issued under the military bounty-land warrant act of eighteen hundred and fifty-five, said warrants being the property of said college, in the name and for the benefit and use of said college, said location to be made in accordance with the rules and regulations of the General Land Office, and not inconsistent with the provisions of this act. (a)

Trustees of Blue Mont College may locate on their land military bounty-land warrants.

(a) See No. 2010.

No. 2018.—A RESOLUTION extending the time for the completion of the Union Pacific Railway, eastern division.

May 7, 1866.
Vol. 14, p. 355.

Resolved, &c., That the time for the completion of the first one hundred miles of railroad and telegraph line by the Leavenworth, Pawnee, and Western Railroad Company, (since called the "Union Pacific Railway Company, eastern division,") mentioned in the tenth section of the charter of the Union Pacific Railroad Company, of July first, one thousand eight hundred and sixty-two, and in the fifth section of the amendment thereof, of July second, one thousand eight hundred and sixty-four, be, and the same is hereby, extended until the twenty-seventh day of June, one thousand eight hundred and sixty-six; and that the time for completing each succeeding section of one hundred miles shall be reckoned from the said twenty-seventh day of June in said year. (a)

Time for completing the eastern division of the Union Pacific Railway extended.

Succeeding sections.

(a) See Nos. 2011, 2014, 2015, 2016, 2019, 2020, 2022, 2023, 2024, 2027, 2029, 2031, 2033, 2034, 2044, 2057, 2065, 2070, 2075.

July 3, 1866.
Vol. 14, p. 79.

No. 2019.—AN ACT to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

Be it enacted, &c., That the Union Pacific Railway Company, eastern division, is hereby authorized to designate the general route of their said road and to file a map thereof, as now required by law, at any time before the first day of December, eighteen hundred and sixty-six; and upon the filing of the said map, showing the general route of said road, the lands along the entire line thereof, so far as the same may be designated, shall be reserved from sale by order of the Secretary of the Interior: *Provided*, That said company shall be entitled to only the same amount of the bonds of the United States to aid in the construction of their line of railroad and telegraph as they would have been entitled to if they had connected their said line with the Union Pacific Railroad on the one hundredth degree of longitude as now required by law: *And provided further*, That said company shall connect their line of railroad and telegraph with the Union Pacific Railroad, but not at a point more than fifty miles westwardly from the meridian of Denver in Colorado. (a)

(a) See Nos. 2011, 2014, 2015, 2016, 2018, 2020, 2022, 2023, 2024, 2027, 2029, 2031, 2033, 2034, 2044, 2057, 2065, 2070, 2075.

July 23, 1866.
Vol. 14, p. 210.

No. 2020.—AN ACT for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph.

Be it enacted, &c., That there is hereby granted to the State of Kansas, for the use and benefit of the Saint Joseph and Denver City Railroad Company, the same being a corporation organized under the laws of the State of Kansas, to construct and operate a railroad from Elwood, in Kansas, westwardly, via Maryville, in the same State, so as to effect a junction with the Union Pacific Railroad, or any branch thereof not farther west than the one hundredth meridian of west longitude, every alternate section of land designated by odd numbers, for ten sections in width on each side of said road, to the point of intersection. But in case it shall appear that the United States have, when the line or route of said road is definitely fixed, sold any section or any part thereof, granted as aforesaid, or that the right of pre-emption or homestead settlement has attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior to cause to be selected for the purposes aforesaid, from the public lands of the United States nearest to tiers of sections above specified, so much land, in alternate sections or parts of sections designated by odd numbers, as shall be equal to such lands as the United States have sold, reserved, or otherwise appropriated, or to which the rights of pre-emption or homestead settlements have attached as aforesaid; which lands, thus indicated by odd numbers, and selected by direction of the Secretary of the Interior as aforesaid, shall be held by the State of Kansas for the use and purpose aforesaid: *Provided*, That the land to be so selected shall in no case be located farther than twenty miles from the line of said road: *Provided further*, That the lands hereby granted for and on account of said road shall be exclusively applied in the construction of the same and for no other purpose whatever, and shall be disposed of only as in this act hereinafter provided: *Provided, also*, That no part of the land granted by this act shall be applied to aid in the construction of any railroad or part thereof for the construction of which any previous grant of land or bonds has been made by Congress: *And provided further*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby, reserved to the United States from the operations of this act, except so far as may be found necessary to locate the route of said road through said lands; in which case the right of way for one hundred feet on each side of said road only shall be granted, subject to the approval of the President of the United States. (a)

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which by such grant shall remain to the United States, within ten miles on each side of said road, shall not be sold for less than double the minimum price of the public lands when sold; nor shall any of said lands become subject to sale at private entry until the same shall have been first offered at public sale to the highest bidder, at or above the increased minimum price, as aforesaid: *Provided*, That actual and bona-fide settlers, under the provisions of the pre-emption and homestead laws of the United States, may, after due proof of settlement, improvement, cultivation, and occupation, as now provided by law, purchase the same, at the increased minimum price aforesaid: *And provided also*, That settlers on any of said reserved sections, under the provisions of the homestead law, who improve, occupy, and cultivate the same for a period of five years, and comply with the several conditions and requirements of said act, shall be entitled to patents for an amount not exceeding eighty acres each, anything in this act to the contrary notwithstanding. (b)

Remaining lands not to be sold for less than double the minimum price.

To be exposed to public sale.

Settlers under homestead and pre-emption laws.

Settlers under homestead laws when entitled to patents for eighty acres each.

SEC. 3. *And be it further enacted*, That the grant of the lands hereby made is upon condition that said company, after the construction of its road, shall keep it in repair and use, and shall at all times be in readiness to transport troops, munitions of war, supplies and public stores upon its roads for the Government when required to do so by any department thereof, the Government at all times having the preference in the use of the road for all the purposes aforesaid at fair and reasonable rates of compensation, not exceeding that paid by private individuals or the average paid for like services on other roads. And the lands hereby granted, held, and reserved as aforesaid shall inure to the benefit of said company, as follows: When the governor of the State of Kansas shall certify that any section of ten consecutive miles of said road is completed in a good, substantial, and workmanlike manner as a first-class railroad, then the said Secretary of the Interior shall issue to the said company patents for so many sections of the land hereinbefore granted as lie opposite to and coterminous with the said completed sections. And when certificates of the governor, aforesaid, shall be presented to said Secretary, of the completion, as aforesaid, of each successive section of ten consecutive miles of said road, the said Secretary shall in like manner issue to said company patents for the said sections of said land as aforesaid for each of said sections of road until said road shall be completed: *Provided*, That if said railroad company or its assigns shall fail to complete at least one section of said road each year from the date of its acceptance of the grant provided for in this act, then its right to the lands for said section so failing of completion shall revert to the Government of the United States: *Provided further*, That if said road is not completed within ten years from the date of the acceptance of the grant hereinbefore made, the lands remaining unpatented shall revert to the United States.

Conditions of grant.

Lands how to inure to the benefit of the company.

If company does not complete one section of road each year, the right to the lands for said section is forfeited.

If road is not completed in ten years, lands unpatented to revert to the United States.

SEC. 4. *And be it further enacted*, That as soon as the said company shall file with the Secretary of the Interior maps of its lines, designating the route thereof, it shall be the duty of the said Secretary to withdraw from the market the lands granted by this act, in such manner as may be best calculated to effect the purposes of this act and subserve the public interest.

When maps of route of road are filed, lands to be withdrawn from market.

SEC. 5. *And be it further enacted*, That the United States mail shall be transported on said road and its extension, under the direction of the Post-Office Department, at such price as Congress may by law provide: *Provided*, That until such price is fixed by law the Postmaster-General shall have power to fix the compensation.

Mail to be carried over road, and at what price.

SEC. 6. *And be it further enacted*, That the right of way through the public lands be, and the same is hereby, granted to said Saint Joseph and Denver City Railroad Company, its successors and assigns, for the construction of a railroad as proposed; and the right is hereby given to said corporation to take from the public lands adjacent to the line of said road material for the construction thereof. Said way is granted to said railroad to the extent of one hundred feet in width on each side of said road where it may pass through the public domain; also all necessary ground for station-buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations.

Right of way granted to the railroad company.

Materials for construction of road.

Extent of grant.

Grounds for machine-shops, &c.

SEC. 7. *And be it further enacted*, That the acceptance of the conditions, and impositions of this act by the said Saint Joseph and this act to be in

Acceptance of this act to be in

writing, and within six months.

Denver City Railroad Company shall be signified in writing, under the corporate seal of the said company, duly executed pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within six months after the passage of this act and not afterwards, and shall be deposited with the Secretary of the Interior. (a)

(a) See Nos. 2011, 2014, 2015, 2016, 2018, 2019, 2022, 2023, 2024, 2027, 2029, 2031, 2033, 2034, 2044, 2057, 2065, 2070, 2075.

(b) See Nos. 1148, 1999, 2001, 2014, 2022, 2023, 2026, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2058, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

July 23, 1866
Vol. 14, p. 212.

No. 2031.—AN ACT to authorize the construction of a railroad through certain land of the United States in Kansas.

Leavenworth City Railroad Company may construct horse-railway through military reservation.

May take land for road.

Company to erect own bridges and crossings.

Land granted, to revert if not used for railroad purposes.

Privilege to cease at will of Secretary of War.

Be it enacted, f.c., That the Leavenworth City Railroad Company be, and are hereby, authorized to construct a horse-railway, with one or two tracks, through the military reservation from Fort Leavenworth to the city of Leavenworth, Kansas, and take for the accommodation of the said road, or the business thereof, a strip of land over said reservation not exceeding twenty feet in width: *Provided,* That the location of said railroad through said reservation shall be on and along the west side of the wagon road leading from the said city to the said fort, and that the said company shall erect their own bridges and crossings, and not be permitted to use those of the wagon road. *And provided also,* That whenever said strip of land shall cease to be used for the purposes of said railroad company or the accommodation of the business thereof, the same shall revert to the United States; that this privilege shall be allowed as long as the Secretary of War shall, in his discretion, determine, and no longer. (a)

(a) See Nos. 2030, 2031, 2032, 2041.

July 25, 1866.
Vol. 14, p. 236.

No. 2022.—AN ACT granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River.

Public lands granted to Kansas, to aid the construction of the Kansas and Neosho Valley Railroad Company.

Extent of grant, and selection of lands.

If any of the land granted has been before sold, or reserved, &c., what may be taken in lieu thereof.

Lands before reserved excepted from operation of this act.

Right of way through such lands.

Be it enacted, f.c., That for the purpose of aiding the Kansas and Neosho Valley Railroad Company, the same being a corporation organized under the laws of the State of Kansas, to construct and operate a railroad from the eastern terminus of the Union Pacific Railroad, eastern division, at the line between Kansas and Missouri, at or near the mouth of the Kansas River, on the south side thereof, southwardly, through the eastern tier of counties in Kansas, with a view of its extension, so as to effect a junction at Red River with a railroad now being constructed from Galveston to Red River at or near Preston, in Texas, there is hereby granted to the State of Kansas, for the use and benefit of said railroad company, every alternate section of land or parts thereof, designated by odd numbers, to the extent of ten sections per mile on each side of said road, to be selected within twenty miles from [of] the line of said road; but in case it shall appear that the United States have, when the line of said road is definitely located, sold any section, or any part thereof, granted as aforesaid, or that the right of pre-emption or homestead settlement has attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior to cause to be selected for the purposes aforesaid, from the public lands of the United States nearest to the sections above specified, so much land as shall be equal to the amount of such lands as the United States have sold, reserved, or otherwise appropriated, or to which the right of homestead settlement or pre-emption has attached as aforesaid, which lands, thus indicated by the direction of the Secretary of the Interior, shall be reserved and held for the State of Kansas for the use of said company by the said Secretary for the purpose of the construction and operation of said railroad, as provided by this act: *Provided,* That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement or other purpose whatever, be, and the same are hereby, reserved and excepted from the operation of this act, except so far as it may be found necessary to locate the route of said road through such reserved lands, in which case the right of way two

hundred feet in width is hereby granted, subject to the approval of the President of the United States: *And provided, further*, That none of the lands hereby granted shall be selected beyond twenty miles from the said road. (a)

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which by the aforesaid grant shall remain in the United States, within ten miles on each side of said road, shall not be sold for less than double the minimum price of public lands when sold, nor shall any of said lands become subject to sale at private entry until the same shall have been first offered at public sale to the highest bidder, at or above the minimum price aforesaid: *Provided*, That actual bona-fide settlers under the pre-emption laws of the United States may, after due proof of settlement, improvement, and occupation, as now provided by law, purchase the same at the price fixed for said lands at the date of such settlement, improvement, and occupation: *And provided also*, That settlers under the provisions of the homestead act, who make their settlement after the passage of this act, and comply with the terms and requirements of said act, shall be entitled, within the said limits of ten miles, to patents for an amount not exceeding eighty acres each. (b)

SEC. 3. *And be it further enacted*, That the grant of lands hereby made is upon condition that said company, after the construction of its road, shall keep it in repair and use, and that [it will] at all times be in readiness to transport troops, munitions of war, supplies, and public stores upon its road for the Government, when required to do so by any department thereof, at the cost, charge, and expense of said company. And the lands hereby granted, held, and reserved as aforesaid shall inure to the benefit of said company, as follows: When the governor of the State of Kansas shall certify that any section of ten consecutive miles of said road is completed in a good, substantial, and workmanlike manner as a first-class railroad, then the said Secretary of the Interior shall issue to the said company patents for so many sections of the land within the limits above named as are coterminous with said completed section hereinbefore granted; and when certificates of the governor aforesaid shall be presented to said Secretary, of the completion, as aforesaid, of each successive section of ten consecutive miles of said road, the said Secretary shall in like manner issue to said company patents for the land for each of said sections of road as in the first instance, until said road shall be completed: *Provided*, That if said road is not completed within ten years from the date of the acceptance of the grant hereinbefore made, the lands remaining unpatented shall revert to the United States: *And provided further*, That the said lands shall not, in any manner, be disposed of or incumbered by said company or its assigns, except as the same are patented under the provisions of this act.

SEC. 4. *And be it further enacted*, That as soon as said company shall file with the Secretary of the Interior maps of its line, designating the route thereof, it shall be the duty of the said Secretary to withdraw from the market the lands granted by this act, in such manner as may be best calculated to effect the purposes of this act and subserve the public interest.

SEC. 5. *And be it further enacted*, That the United States mail shall be transported on said road and its extension, under the direction of the Post-Office Department, at such price as Congress may by law provide: *Provided*, That until such price is fixed by law the Postmaster General shall have power to fix the compensation.

SEC. 6. *And be it further enacted*, That the right of way through the public lands be, and the same is hereby, granted to said Kansas and Neosho Valley Railroad Company, its successors and assigns, for the construction of a railroad as proposed; and the right is hereby given to said corporation to take from the public lands adjacent to the line of said road material for the construction thereof. Said way is granted to said railroad to the extent of one hundred feet in width on each side of said road where it way pass through the public domain; also all necessary ground for station-buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations.

SEC. 7. *And be it further enacted*, That the acceptance of the terms, conditions, and impositions of this act by the said Kansas and Neosho Valley Railroad Company shall be signified in writing, under the corporate seal of the said company, duly executed pursuant to the direction of its board of directors first had and obtained, which acceptance

No land to be selected beyond twenty miles.

Sections remaining to the United States, &c., not to be sold for less than double-minimum price.

To be offered at public auction.

Settlers under pre-emption laws may purchase, &c.

Settlers under the homestead act may have not over eighty acres each.

This grant is made upon condition, &c.

Transportation of troops, &c., to be free to the Government.

When and how the lands inure to the benefit of the company.

If road is not completed within ten years, the lands unpatented to revert to the United States.

The lands not to be disposed of or incumbered by the company, except as patented.

Lands to be withdrawn from market as soon as maps are filed.

Mails to be transported at price fixed by Congress. Proviso.

Right of way granted through public lands.

Material for construction from adjacent land.

Extent of grant.

Ground for station buildings, &c.

Acceptance of this grant by the railroad company to be in writing.

To be made shall be made within one year after the passage of this act, and not within a year. afterwards, and shall be deposited with the Secretary of the Interior.

Said railroad company may extend its road to Red River. SEC. 8. *And be it further enacted*, That said Kansas and Neosho Valley Railroad Company, its successors and assigns, is hereby authorized and empowered to extend and construct its railroad from the southern boundary of Kansas south, through the Indian Territory, to Red River, at or near Preston, in the State of Texas, so as to connect with the railway now being constructed from Galveston to a point at or near

Right of way granted through the Indian Territory where such right is reserved to the United States. Preston, in said State; and the right of way through the Indian Territory, wherever such right is now reserved or may hereafter be reserved to the United States by treaty with the Indian tribes, is hereby granted to said company, to the same extent as granted by the sixth section of this act through the public lands; and in all cases where the right of way, as aforesaid, through the Indian lands, shall not be reserved to the Government, the said company shall, before constructing its road, procure the consent of the tribe or tribes interested, which consent, with all its terms and conditions, shall be previously approved and indorsed by the President and filed with the Secretary of the Interior.

Where such right is not reserved.

Grant of lands through the Indian Territory made to the road, when the Indian title is extinguished. SEC. 9. *And be it further enacted*, That the same grants of lands through said Indian Territory are hereby made as provided in the first section of this act, whenever the Indian title shall be extinguished by treaty or otherwise, not to exceed the ratio per mile granted in the first section of this act: *Provided*, That said lands become a part of the public lands of the United States.

The company may negotiate with Indians and others for lands. SEC. 10. *And be it further enacted*, That said Kansas and Neosho Valley Railroad Company, its successors and assigns, shall have the right to negotiate with, and acquire from any Indian nation or tribe, authorized by the United States to dispose of lands for railroad purposes, and from any other nation or tribe of Indians through whose lands said railroad may pass, subject to the approval of the President of the United States, or from any company or parties incorporated or authorized for such purposes, by such nation or tribe, or which such parties may have acquired under the laws of the United States.

Certain other railroads may unite with this road, after it is located to the valley of the Neosho River. SEC. 11. *And be it further enacted*, That any railroad company chartered under any law of the United States, or of the State of Kansas, which may have been heretofore or shall hereafter be recognized and subsidized by any act of the Congress of the United States, may connect, unite, and consolidate with this railroad company, after the same shall be located to the valley of the Neosho River, upon just, fair, and equitable terms, to be agreed upon between the parties, and shall not be against the public interest or the interest of the United States; nor shall any road authorized to connect as aforesaid charge the road so connecting a greater tariff per mile for freight or passengers than is charged for the same per mile by its own road: *And provided further*, That should the Leavenworth, Lawrence, and Fort Gibson Railroad Company, or the Union Pacific Railroad Company, southern branch, of the State of Kansas where the line of said Kansas and Neosho Valley Railroad shall cross the same, before the said Kansas and Neosho Valley Railroad Company shall have constructed and completed its said road to said point, then and in that event the company so first reaching in completion the said point on the southern boundary of the State of Kansas shall be authorized, upon obtaining the written approval of the President of the United States, to construct and operate its line of railroad from said point to a point at or near Preston, in the State of Texas, with grants of land according to the provisions of this act, but upon the further special condition, nevertheless, that said railroad company shall have commenced in good faith the construction thereof before the said Kansas and Neosho Valley Railroad Company shall have completed its said railroad to said point: *And provided further*, That said other railroad company, so having commenced said work in good faith, shall continue to prosecute the same with sufficient energy to insure the completion of the same within a reasonable time, subject to the approval of the President of the United States: *And provided further*, That the right of way through private property when not otherwise provided for in this act, or by the law of any State through which the road may pass, shall be obtained by said Kansas and Neosho Valley Railroad Company, or either of the other companies named in this act, in accordance with the provisions of section three of an act to amend

Tariff for freight and passengers.

If the Union Pacific Railroad Company, &c., completes its road to certain points before the Kansas, &c., Company completes its road to that point, it may construct the road thence to Preston, Texas, with grants of land, &c.

Work to be prosecuted with energy.

Right of way through private property.

an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July first, eighteen hundred and sixty-two. (a)

(a) See Nos. 2011, 2014, 2015, 2016, 2018, 2019, 2020, 2023, 2024, 2027, 2029, 2031, 2033, 2034, 2044, 2057, 2065, 2070, 2075.

(b) See Nos. 1148, 1999, 2001, 2014, 2020, 2023, 2026, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

No. 2023.—AN ACT granting lands to the State of Kansas to aid in the construction of a southern branch of the Union Pacific Railway and telegraph, from Fort Riley, Kansas, to Fort Smith, Arkansas.

July 26, 1866.
Vol. 14, p. 239.

Be it enacted, &c., That for the purpose of aiding the Union Pacific Railroad Company, southern branch, the same being a corporation organized under the laws of the State of Kansas to construct and operate a railroad from Fort Riley, Kansas, or near said military reservation, thence down the valley of the Neosho River to the southern line of the State of Kansas, with a view to an extension of the same through a portion of the Indian Territory to Fort Smith, Arkansas, there is hereby granted to the State of Kansas, for the use and benefit of said railroad company every alternate section of land or parts thereof designated by odd numbers, to the extent of five alternate sections per mile on each side of said road and not exceeding in all ten sections per mile; but in case it shall appear that the United States have, when the line of said road is definitely located, sold any section, or any part thereof, granted as aforesaid, or that the right of pre-emption or homestead settlement has attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior to cause to be selected for the purposes aforesaid, from the public lands of the United States nearest to the sections above specified, so much land as shall be equal to the amount of such lands as the United States have sold, reserved, or otherwise appropriated, or to which the right of homestead settlement or pre-emption has attached as aforesaid, which lands, thus indicated by the direction of the Secretary of the Interior, shall be reserved and held for the State of Kansas for the use of said company by the said Secretary for the purpose of the construction and operation of said railroad, as provided by this act: *Provided*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement or other purpose whatever, be, and the same are hereby, reserved and excepted from the operation of this act, except so far as it may be found necessary to locate the route of said road through such reserved lands, in which case the right of way, two hundred feet in width, is hereby granted, subject to the approval of the President of the United States: *And provided, further*, That said lands hereby granted shall not be selected beyond twenty miles from the line of said road. (a)

Public lands granted to Kansas to aid in construction of a railroad and telegraph from Fort Riley to Fort Smith.

If any of granted lands have been sold or reserved, &c., other lands may be selected in lieu thereof.

Lands heretofore reserved excepted from this act.

Right of way granted.

Lands not to be selected beyond twenty miles from line of road.

Remaining lands, &c., not to be sold for less than double the minimum price. Settlers under pre-emption laws.

Under the homestead act.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which by the aforesaid grant shall remain in the United States, within ten miles on each side of said road, shall not be sold for less than double the minimum price of public lands when sold: *Provided*, That actual bona-fide settlers under the pre-emption laws of the United States may, after due proof of settlement, improvement, and occupation, as now provided by law, purchase the same at the price fixed for said lands at the date of such settlement, improvement, and occupation: *Provided, also*, That settlers under provisions of the homestead act, who make their settlement after the passage of this act and comply with the terms and requirements of said act, shall be entitled, within the said limits of ten miles, to patents for an amount not exceeding eighty acres each. (b)

SEC. 3. *And be it further enacted*, That the grant of lands hereby made is upon condition that said company, after the construction of its road, shall keep it in repair and use, and shall at all times transport troops, munitions of war, supplies, and public stores upon its road for the Government of the United States, free from all cost or charge therefor to the Government, when required to do so by any department thereof.

Conditions of this grant.

Granted lands to inure to benefit of company as follows.

And the lands hereby granted shall inure to the benefit of said company, as follows: When the governor of the State of Kansas shall certify that any section of ten consecutive miles of said road is completed in a good, substantial, and workmanlike manner as a first-class railroad, then the said Secretary of the Interior shall issue to the said company patents for so many sections of the land herein granted within the limits above named, and coterminous with said completed section hereinbefore granted; and when certificates of the governor aforesaid shall be presented to said Secretary of the completion, as aforesaid, of each successive section of ten consecutive miles of said road, the said Secretary shall in like manner issue to said company patents for the land for each of said sections of road as in the first instance, until said road shall be completed: *Provided*, That if said road is not completed within ten years from the date of the acceptance of the grant hereinbefore made, the lands remaining unpatented shall revert to the United States.

When maps of route of road are filed, lands to be withdrawn from market.

SEC. 4. *And be it further enacted*, That as soon as said company shall file with the Secretary of the Interior maps of its line, designating the route thereof, it shall be the duty of said Secretary to withdraw from the market the lands granted by this act, in such manner as may be best calculated to effect the purposes of this act and subserve the public interest.

United States mail to be carried.

SEC. 5. *And be it further enacted*, That the United States mail shall be transported on said road, and under the direction of the Post-Office Department, at such price as Congress may by law provide: *Provided*, That until such price is fixed by law the Postmaster-General shall have power to fix the compensation.

Right of way through public lands granted for the railroad.

SEC. 6. *And be it further enacted*, That the right of way through the public lands be, and the same is hereby, granted to said Pacific Railroad Company, southern branch, its successors and assigns, for the construction of a railroad as proposed: and the right is hereby given to said corporation to take from the public lands adjacent to the line of said road material for the construction thereof. Said way is granted

Materials for construction.

to said railroad to the extent of one hundred feet in width on each side of said road where it may pass through the public domain; also all

Extent of grant of right of way.

Grounds for necessary ground for station-buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations.

Acceptance of terms, &c., of this act to be in writing and within one year.

SEC. 7. *And be it further enacted*, That the acceptance of the terms, conditions, and impositions of this act by the said Pacific Railroad Company southern branch, shall be signified in writing, under the corporate seal of the said company, duly executed pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within one year after the passage of this act, and not afterwards, and shall be deposited with the Secretary of the Interior.

Pacific Railroad Company, southern branch, may extend its road through Indian Territory, by consent, to Fort Smith.

SEC. 8. *And be it further enacted*, That said Pacific Railroad Company, southern branch, its successors and assigns, is hereby authorized and empowered to extend and construct its railroad from the southern boundary of Kansas, south through the Indian Territory, with the consent of the Indians, and not otherwise, along the valley of Grand and Arkansas rivers, to Fort Smith, in the State of Arkansas; and the right of way through said Indian Territory is hereby granted to said

Right of way through Indian company, its successors and assigns, to the extent of one hundred feet on each side of said road or roads, and all necessary grounds for stations, buildings, workshops, machine-shops, switches, side-tracks, turn-tables, and water-stations.

When Indian title is extinguished in Indian Territory, and lands become public lands, grant thereof to company.

SEC. 9. *And be it further enacted*, That the same grant[s] of lands through said Indian Territory are hereby made as provided in the first section of this act, whenever the Indian title shall be extinguished by treaty or otherwise, not to exceed the ratio per mile granted in the first public lands; section of this act: *Provided*, That said lands become a part of the public lands of the United States.

Company may acquire title from certain Indians.

SEC. 10. *And be it further enacted*, That said Pacific Railroad Company, southern branch, its successors and assigns, shall have the right to negotiate with, and acquire title to land for railroad purposes from, any Indian nation or tribe authorized by the United States to dispose of lands, and from any other nation or tribe of Indians through whose lands said railroad may pass, subject to the approval of the United States, or from any company or parties incorporated or authorized for such purposes, by such nation or tribe, or which such parties have acquired under the laws of the United States.

SEC. 11. *And be it further enacted*, That any railroad company chartered under any law of the United States, or of any State which may have been heretofore or shall hereafter be organized by any act of the Congress of the United States, may connect, unite, and consolidate with this railroad company, after the same shall be located to the valley of the Neosho or Grand River, upon just, fair, and equitable terms, to be agreed upon between the parties, as shall not be against the public interest, or the interest of the United States. (a)

- (a) See Nos. 2011, 2014, 2015, 2016, 2018, 2019, 2020, 2022, 2024, 2027, 2029, 2031, 2033, 2034, 2044, 2057, 2065, 2070, 2075.
 (b) See Nos. 1148, 1999, 2001, 2014, 2020, 2022, 2026, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

Any railroad company may unite with this company, after, &c.

No. 2024.—A RESOLUTION granting the right of way through military reserves to the Union Pacific Railroad Company and its branches.

July 26, 1866.
Vol. 14, p. 577.

[See NEBRASKA, No. 2100.]

No. 2025.—JOINT RESOLUTION for the reduction of the military reservation of Fort Riley, and to grant land for bridge purposes to the State of Kansas

March 2, 1867.
Vol. 14, p. 573.

Be it resolved, &c., That the southwestern boundary of the military reservation of Fort Riley, in the State of Kansas, be, and the same is hereby, declared to be hereafter the channel of the Republican River, from its mouth to the point where said river intersects the present western line of said reservation, and the land released from said reservation and lying between the Smoky Hill and Republican rivers, is hereby granted to the State of Kansas to aid in the construction of a bridge over the Republican River, on the public highway leading through the present reservation; but upon the express condition that this grant shall be accepted by the State of Kansas with a guaranty given by said State, by an act of the legislature thereof, that said bridge shall be kept up and maintained in good condition, and shall be free to the use of the Government of the United States, for all transit purposes forever, without tolls or charges, and on such acceptance and guaranty being filed in the office of the Secretary of the Interior, together with the certificate of the governor of Kansas that a good and permanent bridge has been constructed over the said Republican River, it shall be the duty of said Secretary to issue patent, for the land hereby granted, to the State of Kansas, or to such company as may be authorized, by act of the legislature of said State, to construct said bridge: *Provided, however*, That nothing herein contained shall be construed to interfere with any grant of any part of said land heretofore made by the United States.

Southwestern boundary of military reservation of Fort Riley established.

Land released granted to Kansas for bridge over Republican River.

Condition of grant.

Patent, when to issue.
Proviso.

No. 2026.—AN ACT restoring lands to market along the line of the Pacific Railroads and branches.

March 6, 1868.
Vol. 15, p. 39.

[See NEBRASKA, No. 2106.]

No. 2027.—AN ACT relative to filing reports of railroad companies.

June 25, 1868.
Vol. 15, p. 79.

[Reports of certain railroads to be made on or before October 1, in each year, to Secretary of Interior. See NEBRASKA, No. 2107.]

No. 2028.—AN ACT authorizing the Commissioner of the General Land Office to issue a patent to F. N. Blake for one hundred and sixty acres of land in Kansas.

July 13, 1868.
Vol. 15, p. 281.

Whereas military bounty-land warrant number eighty-two thousand five hundred and seventy-eight, for one hundred and sixty acres, was issued under the act of March third, eighteen hundred and fifty-five, in the name of Betsey Foster, and by her sold and assigned to F. N. Blake, and thereafter lost by said Blake; and whereas said Blake proved the loss and ownership of said warrant, to the satisfaction of the commissioner of pensions, and obtained the issue of a duplicate warrant, and has located the same on the northeast quarter of section twenty-five, in township six south, of range one east, in the State of Kansas: Therefore,

Preamble.

Patent for land *Be it enacted, &c.,* That the Commissioner of the General Land Office to issue to F. N. shall cause a patent for said land to be issued to F. N. Blake, as if the Blake. said duplicate land warrant had been assigned to him by the warrantee.

July 30, 1868. No. 2029.—AN ACT authorizing the construction of a bridge across the Missouri River, upon the military reservation at Fort Leavenworth, Kansas.

Kansas and Missouri Bridge Company may build bridge across Missouri River. *Be it enacted, &c.,* That it shall be lawful for the Kansas and Missouri Bridge Company, a corporation having authority from the State of Kansas, to build a railroad, transit, and wagon bridge across the Missouri River upon or near the military reservation of Fort Leavenworth; and that when constructed all trains of all roads terminating at the Missouri River at or near the location of said bridge, shall be allowed to cross said bridge for a reasonable compensation to be paid to the owners thereof. And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the cause may be tried before the district court of the United States of any State in which any portion of said obstruction or bridge touches.

What trains may cross. In case of litigation, where causes may be tried. Height of bridge. Spans and piers. Right of way through Fort Leavenworth military reservation. SEC. 2. *And be it further enacted,* That any bridge built under the provision of this act shall not be in any case of less elevation than fifty feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge; nor shall the spans be of less than two hundred and fifty feet in length, in the clear, and the piers of said bridge shall be parallel with the current of the river, and the main span shall be over the main channel of the river, at low water.

SEC. 3. *And be it further enacted,* That for the use of railroads leading to said bridge from either side of the river there is hereby granted a right of way through said Fort Leavenworth military reservation not exceeding for all of said roads three hundred feet in width: *Provided,* That said roads do not in any way interfere with the public buildings on said military reservation.

Bridge made a post-road. SEC. 4. *And be it further enacted,* That the Kansas and Missouri bridge be, and the same is hereby, established as a post-road, and that said bridge company shall have the right to take from said reservation, at such places as shall be designated by the Secretary of War, all stone, timber, and earth necessary to use in the construction of said bridge.

Act may be altered, &c. SEC. 5. *And be it further enacted,* That the right to alter or amend this act, so as to prevent or remove all material obstructions to the navigation of said river by the construction of bridges, is hereby expressly reserved.

St. Joseph and Denver City Railroad Company may bridge the Missouri at St. Joseph. SEC. 6. *And be it further enacted,* That it shall be lawful for the Saint Joseph and Denver City Railroad Company, a corporation created by the laws of the State of Kansas, to build a bridge over and across the Missouri River at Saint Joseph, Missouri; and all the rights and privileges conferred by sections 1, 2, 4, and 5 of this act are hereby extended, so far as they are applicable, to the Saint Joseph and Denver City Railroad Company, and the restrictions, limitations, and conditions contained in said sections are hereby made applicable to said company. (a)

Rights, restrictions, &c. (a) See Nos. 2011, 2014, 2015, 2016, 2018, 2019, 2030, 2032, 2033, 2034, 2044, 2057, 2065, 2070, 2075.

July 30, 1868. No. 2030.—AN ACT to authorize the sale of twenty acres of land in the military reservation at Fort Leavenworth, Kansas.

Preamble.

Whereas the Secretary of War, in behalf of the United States and in accordance with the previous practice of the War Department, on the thirteenth day of November, in the year eighteen hundred and sixty, did execute to Samuel Denman, William H. Russell, and Thomas Ewing, junior, and their assigns, a lease of twenty acres of land in the military reserve at Fort Leavenworth, State of Kansas, for the term of sixteen years thereafter, with a preference to them of an extension of the term, and with the exclusive right to mine for coal under the lands of said military reserve; and whereas the said lessees and their assigns accepted the said lease, and upon the faith thereof have prosecuted their mining operations under many difficulties at great expense, and have finally succeeded in striking the deep coal-beds of that geological region after having expended their entire capital to the amount of forty

thousand dollars; and whereas it is now discovered that the said lease is invalid because the Secretary of War was unauthorized in law to make the same, by reason of which the said lessees are deprived of their right to proceed, and are threatened with the total loss of their money, and are without redress; and whereas in view of the incalculable benefit to be derived, not alone by the State of Kansas, but by the whole country adjacent thereto, by the development of the coal strata of the region, the senate and house of representatives of the State of Kansas, on the eighteenth day of February, eighteen hundred and sixty-eight, did concur in a joint resolution reciting the above, and respectfully requesting this Congress to act in the premises; and whereas the House of Representatives of the United States have heretofore passed an act directing the sale, in small tracts, of a body of land in said military reserve: therefore,

Be it enacted, &c., That the Leavenworth Coal Company, being the successors and assigns of Samuel Denman, William H. Russell, and Thomas Ewing, junior, in the lease aforesaid, shall have the right to purchase from the United States twenty acres of land lying in the military reserve at Fort Leavenworth, Kansas, (a) and described as follows: Beginning at the intersection of the south line of the military reserve and the Missouri River, running northwardly thence along the west line of the said Missouri River, thence westwardly in a line parallel to the south line of the military reserve, thence southwardly in a line at right angles with the south line of the military reserve, thence eastwardly in the said south line of the military reserve to the point of beginning, the said lines to be run so as to make the form of the said twenty acres as nearly square as practicable. The said Leavenworth Coal Company shall pay therefor the sum fixed by the United States district judges of the State of Kansas, the eastern district of Missouri, and of the northern district of Illinois, whose reasonable expenses shall be paid out of any money in the Treasury not otherwise appropriated; and said lease is hereby extended sixteen years from the passage of this act. (b)

Leavenworth Coal Company may purchase part of military reserve.

Lease extended.

SEC. 2. And be it further enacted, That, upon the payment of the purchase money for the same, the Secretary of the Interior is hereby directed to issue to the said Leavenworth Coal Company, and its successors and assigns, a patent for the above-described lands, which patent shall also grant to the said company, and its successors and assigns, the exclusive right to mine for all coal underlying the lands now comprised in the military reserve aforesaid.

Patent to issue to grant exclusive right to mine coal.

Mining right.

(a) See Nos. 2021, 2031, 2032, 2041.

(b) See Nos. 1148, 1999, 2001, 2014, 2020, 2022, 2023, 2026, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

No. 2031.—AN ACT granting the right of way to certain railway companies over the military reservation at Fort Leavenworth.

July 27, 1868.
Vol. 15, p. 238.

Be it enacted, &c., That the right of way, not exceeding one hundred feet in width, is hereby granted to the Leavenworth and Des Moines Railway Company, a corporation created under the laws of the State of Missouri, (a) to construct and operate a railway across the military reservation at Fort Leavenworth, on the east side of the Missouri River, upon a line to be designated and fixed by the Secretary of War. (b)

Right of way across military reservation at Fort Leavenworth granted to Leavenworth and Des Moines Railway Company.

SEC. 2. And be it further enacted, That the right of way, not exceeding one hundred feet in width, is hereby granted to the Leavenworth, Atchison and Northwestern Railway Company, a corporation created under the laws of the State of Kansas, (a) to construct and operate a railroad across and over the military reservation at Fort Leavenworth, in the State of Kansas, (b) upon such line as shall be designated and fixed by the Secretary of War: *Provided*, That if the said company shall not construct, within one year from the passage of this act, a railway from the city of Leavenworth to the city of Atchison, then, and in that case, a like privilege is hereby conferred upon any other company that shall construct a railway between said cities.

To Leavenworth, Atchison and Northwestern Railway Company.

Proviso.

(a) See Nos. 2011, 2014, 2015, 2016, 2018, 2019, 2020, 2022, 2023, 2024, 2027, 2029, 2033, 2034, 2044, 2057, 2065, 2070, 2075.

(b) See Nos. 2021, 2030, 2032, 2041.

July 27, 1868. **No. 2032.**—AN ACT donating a portion of the Fort Leavenworth military reservation for the exclusive use of a public road.

Part of Fort Leavenworth military reservation set apart for public road. *Be it enacted, &c.,* That a strip of land one hundred feet in width along the southern boundary of the Fort Leavenworth military reservation, in the State of Kansas, extending from the Missouri River to the western boundary thereof, be set apart for the perpetual and exclusive use of a public road; and the said road shall be and remain a public highway for the use of the Government of the United States, free from tolls or other charges upon the transportation of any property, troops, or mails of the United States. (a)

To be free to the United States. **SEC. 2.** *And be it further enacted,* That Congress may at any time amend or repeal this act.

(a) See Nos. 2021, 2030, 2031, 2041.

March 3, 1869. **No. 2033.**—AN ACT to authorize the transfer of lands granted to the Union Pacific Railway Company, eastern division, between Denver and the point of its connection with the Union Pacific Railroad, to the Denver Pacific Railway and Telegraph Company, and to expedite the completion of railroads to Denver, in the Territory of Colorado.

[See COLORADO, No. 2173.]

March 3, 1869. **No. 2034.**—JOINT RESOLUTION authorizing the Union Pacific Railway Company, eastern division, to change its name to the "Kansas Pacific Railway Company."

Union Pacific Railway Company, eastern division, to change its name to Kansas Pacific Railway Company. *Be it resolved, &c.,* That the Union Pacific Railway Company, eastern division, is hereby authorized by resolution of its board of directors, which shall be filed in the office of the Secretary of the Interior, to change its name to the "Kansas Pacific Railway Company." (a)

(a) See Nos. 2011, 2014, 2015, 2016, 2018, 2019, 2020, 2022, 2023, 2024, 2027, 2029, 2031, 2033, 2044, 2057, 2065, 2070, 2075.

April 7, 1869. **No. 2035.**—A RESOLUTION for the relief of settlers upon the Absentee Shawnee lands in Kansas.

Preamble.

Whereas a large tract of lands set apart by a treaty with the Shawnee tribe of Indians, dated May tenth, anno Domini eighteen hundred and fifty-four, and proclaimed November second, anno Domini eighteen hundred and fifty-four, for the benefit of certain absentees of the said Shawnee tribe, is now, and for many years past has been, occupied by a large number of white settlers and citizens of the State of Kansas; and whereas the beneficial interest of the said Absentee Shawnees in said lands was and is absolutely forfeited by reason of their continued absence and non-affiliation with the said Shawnee tribe; and whereas the said lands were ordered to be publicly sold at the United States land office at Topeka, August third, eighteen hundred and sixty-three, by Abraham Lincoln, President, by his proclamation dated March twentieth, anno Domini eighteen hundred and sixty-three, and by reason of the absence of large numbers of said settlers from their homes in the Federal armies the sale was indefinitely postponed: Therefore,

Certain bona-fide settlers on certain Shawnee lands in Kansas may purchase the land occupied, &c., by them at, &c. *Resolved, &c.,* That each bona-fide settler now occupying said lands and having made improvements thereon, or the heirs at law of such, who is a citizen of the United States, or who has declared his intention to become such, shall be entitled to purchase the land so occupied and improved by him, not to exceed one hundred and sixty acres in each case, at the price of two dollars and fifty cents per acre, under such rules and regulations as the Secretary of the Interior shall prescribe:

Proceeds of sales how to be applied. *Provided, however,* That the proceeds of said sales shall be applied in accordance with the provisions [of the treaty] between the United States and the said Shawnee Indians, proclaimed November second, anno Domini eighteen hundred and fifty-four. (a)

(a) See No. 2062.

April 10, 1869. **No. 2036.**—A RESOLUTION enabling bona-fide settlers to purchase certain lands acquired from the Great and Little Osage tribe of Indians.

Bona-fide settlers on certain lands acquired from the Great, &c., Osage In- *Resolved, &c.,* That any bona-fide settler residing upon any portion of the lands sold to the United States, by virtue of the first and second articles of the treaty concluded between the United States and the Great and Little Osage tribe of Indians, September twenty-ninth, anno Domini eighteen hundred and sixty-five, and proclaimed January twenty-first,

eighteen hundred and sixty-seven, (a) who is a citizen of the United States or shall have declared his intention to become a citizen of the United States, shall be, and hereby is, entitled to purchase the same in quantity not exceeding one hundred and sixty acres, at the price of one dollar and twenty-five cents per acre, within two years from the passage of this act, under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided, however,* That both the odd and even numbered sections of said lands shall be subject to settlement and sale as above provided: (b) *And provided, further,* That the sixteenth and thirty-sixth sections in each township of said lands shall be reserved for State school purposes in accordance with the provisions of the act of admission of the State of Kansas: (c) *Provided, however,* That nothing in this act shall be construed in any manner affecting any legal rights heretofore vested in any other party or parties.

Proviso.

School lands.

Vested rights not affected.

(a) See Nos. 2040, 2045, 2046, 2061, 2067, 2078.

(b) See Nos. 1148, 1999, 2001, 2014, 2020, 2022, 2023, 2026, 2030, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

(c) See Nos. 1856, 1998, 2002, 2003, 2008, 2040, 2046, 2081.

No. 2037.—AN ACT to establish an additional land district in the State of Kansas.May 11, 1870.
Vol. 16, p. 192.

Be it enacted, &c., That all that portion of the State of Kansas lying south of the fourth standard parallel, and west of the east line of range twelve, east of the sixth principal meridian in said State, shall constitute an additional land district, to be called the Arkansas district, the location of the office for which shall be designated by the President of the United States, and shall by him, from time to time, be changed as the public interests may seem to require.

Arkansas land district established in Kansas.

SEC. 2. *And be it further enacted,* That the President be, and he is hereby, authorized, whenever the public interests shall require, to appoint, in accordance with existing laws authorizing appointments to office, a register and a receiver for the district hereby created, who shall each be required to reside at the site of the office for said district, have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties which are or may be prescribed by law in relation to other land officers of the United States. (a)

Register and receiver.

Their residence, duties, and pay.

SEC. 3. *And be it further enacted,* That all sales and locations made at the offices of the districts in which the lands embraced in this district have hitherto been included, situated within the limits of this district, which shall be valid and right in other respects, up to the day on which the new office shall go into operation, be, and the same are hereby, confirmed.

certain sales and locations confirmed.

(a) See Nos. 1999, 2001, 2038, 2048, 2058, 2077.

No. 2038.—AN ACT to establish an additional land district in the State of Kansas.July 7, 1870.
Vol. 16, p. 189.

Be it enacted, &c., That all that portion of the "Western district" land district, created by the act approved March three, eighteen hundred and fifty-seven, entitled "An act to establish three additional land districts in the Territory of Kansas," which is situated north of the township line dividing townships ten and eleven, south, in said State, shall constitute a new land district to be called the Republican land district.

Republican land district established in Kansas.

SEC. 2. *And be it further enacted,* That the President be, and he is hereby, authorized, whenever the public interests shall require, to appoint, by and with the advice and consent of the Senate, or during the recess thereof, and until the end of the next session of Congress after such appointment, a register and a receiver for the district hereby created, who shall respectively be required to reside at the site of their offices, have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties, which are or may be prescribed by law in relation to other land officers of the United States in said State. (a)

Register and receiver.

SEC. 3. *And be it further enacted,* That the public lands in said district shall be subject to sale and disposal upon the same terms and conditions as other public lands of the United States: *Provided,* That all sales and locations made at the office of the old district of lands situated within the limits of the new district, which shall be valid and right in other respects, up to the day on which the new office shall go into operation, be, and the same are hereby, confirmed.

Public lands subject to sale and disposal.
Proviso.

(a) See Nos. 1999, 2001, 2037, 2042, 2058, 2077.

July 15, 1870.
Vol. 16, p. 310.

Patents for Black Bob Indian lands in Kansas may be withheld, and all transfers thereof, &c.

No. 2039.—AN ACT making appropriations for sundry civil expenses of the Government for the year ending June thirty, eighteen hundred and seventy-one, and for other purposes.

SEC. 14. *And be it further enacted,* That the Secretary of the Interior is hereby directed to withhold patents for any portion of the lands known as the Black Bob Indian lands in Kansas, and also to withhold his approval of all transfers of said lands, and to permit peaceable occupancy by all settlers or Indians now residing thereon, until further action of Congress in relation thereto, without prejudice to existing rights. (a)

(a) See No. 2074.

July 15, 1870.
Vol. 16, p. 362.

Great and Little Osage Indians may be removed from Kansas with their consent.

Permanent home in Indian Territory to be provided for them.

Appropriation for expenses of their removal and subsistence during the first year.

How to be expended and reimbursed.

Sale, &c., of the lands of said Indians in Kansas.

Interest upon proceeds of sale to be paid to the Indians.

Account to be kept, &c.

Diminished reserve of said Indians in Kansas to be surveyed.

No. 2040.—AN ACT making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirty, eighteen hundred and seventy-one, and for other purposes.

SEC. [12.] *And be it further enacted,* That whenever the Great and Little Osage Indians shall agree thereto, in such manner as the President shall prescribe, it shall be the duty of the President to remove said Indians from the State of Kansas to lands provided or to be provided for them for a permanent home in the Indian Territory, to consist of a tract of land in compact form equal in quantity to one hundred and sixty acres for each member of said tribe, or such part thereof as said Indians may desire, to be paid for out of the proceeds of the sales of their lands in the State of Kansas, the price per acre for such lands to be procured in the Indian Territory not to exceed the price paid or to be paid by the United States for the same. And to defray the expenses of said removal, and to aid in the subsistence of the said Indians during the first year, there is hereby appropriated out of the Treasury, out of any money not otherwise appropriated, to be expended under the direction of the Secretary of the Interior, the sum of fifty thousand dollars, to be reimbursed to the United States from the proceeds of the sale of the lands of the said Indians in Kansas, including the trust-lands north of their present diminished reservation, which lands shall be open to settlement after survey, (a) excepting the sixteenth and thirty-sixth sections, which shall be reserved to the State of Kansas for school purposes, (b) and shall be sold to actual settlers only, said settlers being heads of families, or over twenty-one years of age, in quantities not exceeding one hundred and sixty acres, in square form, to each settler, at the price of one dollar and twenty-five cents per acre; payment to be made in cash within one year from date of settlement or of the passage of this act, (c) and the United States, in consideration of the relinquishment by said Indians of their lands in Kansas, shall pay annually interest on the amount of money received as proceeds of sale of said lands, at the rate of five per centum, to be expended by the President for the benefit of said Indians, in such manner as he may deem proper. And for this purpose an accurate account shall be kept by the Secretary of the Interior of the money received as proceeds of sale, and the aggregate amount received prior to the first day of November of each year shall be the amount upon which the payment of interest shall be based. The proceeds of sale of said land shall be carried to the credit of said Indians on the books of the Treasury, and shall bear interest at the rate of five per cent. per annum: *Provided,* That the diminished reserve of said Indians in Kansas shall be surveyed under the direction of the Secretary of the Interior as other public lands are surveyed, as soon as the consent of said Indians is obtained as above provided, the expense of said survey to be paid from the proceeds of sale of said land.

(a) See Nos. 2036, 2043, 2046, 2061, 2067, 2078.

(b) See Nos. 1856, 1998, 2002, 2003, 2008, 2036, 2046, 2081.

(c) See Nos. 1148, 1999, 2001, 2014, 2020, 2022, 2023, 2026, 2030, 2036, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

Feb. 9, 1871.
Vol. 16, p. 594.

Portion of the Fort Leavenworth military reservation may be sold to the

No. 2041.—JOINT RESOLUTION authorizing the sale of a portion of the Fort Leavenworth military reservation to the Kansas Agricultural and Mechanical Association, of Leavenworth County, in the State of Kansas, for fair-grounds.

Be it resolved, &c., That the Kansas Agricultural and Mechanical Association, a corporate body organized under and by virtue of the laws of the State of Kansas, is hereby authorized to purchase from the United States, for the sole purpose and use of such association as a fair-

ground, and for experimental agriculture and horticulture, that portion of the Fort Leavenworth military reservation bounded and described as follows, viz.: Commencing at the southeast corner of the premises herein described, at a point one hundred feet north and in continuation of the west line of Sixteenth street, as laid down and recorded in the map of the city of Leavenworth, and one hundred feet north of the south line of said reservation; thence running westerly and parallel to said south boundary two thousand five hundred and eighty feet to the east line of Nineteenth street; thence northerly and in continuation of the east side of said Nineteenth street two thousand one hundred and seventy-five feet; thence easterly and parallel to the south line of said reservation two thousand five hundred and eighty feet; thence southerly and parallel to the west line of the premises herein described two thousand one hundred and seventy-five feet, to the place of beginning, containing one hundred and twenty-eight and eighty-two one-hundredths acres, of land, more or less; reserving to the Government or assigns the right to the coal, or royalty for coal, underlying the same.

Kansas Agricultural &c., Association.
Boundaries.

Reservation.

SEC. 2. *And be it further resolved*, That the Secretary of War is hereby directed to appoint a commission of competent Army officers, of such number as he may deem best, which said commission shall, without unnecessary delay, examine and report the true value of the land hereinbefore described to the Secretary of War. On receipt of this report, the Secretary of War will forward certified copies of the same to the Secretary or the Interior and to the Kansas Agricultural Association.

Commission of Army officers to appraise the true value of the land.

SEC. 3. *And be it further resolved*, That whenever the association thus notified shall place to the credit of the United States with the Treasurer of the United States, in lawful money, the amount of said appraisal, and notified the Secretary of the Interior of such deposit, it shall be the duty of the Secretary of the Interior to cause to be issued to the said Kansas Agricultural and Mechanical Association a patent for the said land above described: *Provided*, That the association shall make the said deposit within one year from the date of the notice of appraisal from the Secretary of War. (a)

Upon payment of appraised value, patent to issue.

Payment to be made within one year from, &c.

(a) See Nos. 2031, 2030, 2031, 2032.

No. 2042.—AN ACT to provide for the disposition of useless military reservations. [Providing for the sale of Fort Zarah military reservation. See WASHINGTON TERRITORY, No. 2305.]

Feb. 24, 1871.
Vol. 16, p. 430.

No. 2043.—AN ACT making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirty, eighteen hundred and seventy-two, and for other purposes.

March 3, 1871.
Vol. 16, p. 557.

Be it enacted, &c., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with the various Indian tribes:—

Appropriations for expenses of the Indian Department and treaty stipulations

Osages.—For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum per annum, being value of fifty-four sections of land set apart by treaty of June two, eighteen hundred and twenty-five, for educational purposes, per Senate resolution of January nine, eighteen hundred and thirty-eight, three thousand four hundred and fifty-six dollars.

Osages.

For interest on three hundred thousand dollars, at five per centum per annum, to be paid semi-annually, in money or such articles as the Secretary of the Interior may direct, as per first article treaty of September twenty-nine, eighteen hundred and sixty-five, fifteen thousand dollars: *Provided*, That each half-breed or mixed-blood of the Osages, being twenty-one years of age, or the head of a family, shall, under such rules and regulations and on such proofs as shall be prescribed by the Secretary of the Interior, be entitled to enter, without cost, within the diminished reservation of the Osage Indians in Kansas, a tract of land, in compact form and by legal subdivisions, not exceeding one hundred and sixty acres, upon which such half-breed or mixed-blood have

Certain half-breeds or mixed-bloods may enter without cost 160 acres of land, within, &c., on which, &c.

Certain claim heretofore actually settled and made improvements: *Provided, however,* That such half-breed or mixed-blood so entering such land shall thereby forfeit all claim to lands within the Indian Territory which have been or shall be purchased out of the proceeds of the sale of the land of the Osagee, in the State of Kansas: *And provided further,* That the land so entered shall not be alienable by such half-breed or mixed-blood without the consent of the Secretary of the Interior, approved by the President. (a)

Land so entered not to be alienable. For the purpose of providing subsistence and clothing, and aiding said Indians in establishing themselves in their new homes, fifty thousand dollars, to be reimbursed to the United States from the interest on the proceeds of the sales of the lands of the said Indians in Kansas: (b) *Provided,* That the laws of the United States relating to town sites be extended over all the lands obtained of the Osage Indians in the State of Kansas.

Laws as to town sites extended to Osage lands in Kansas.

- * * * * *
- (a) See Nos. 1148, 1999, 3001, 3014, 3020, 3022, 3023, 3026, 3030, 3036, 3040, 3043, 3045, 3046, 3047, 3049, 3050, 3051, 3053, 3055, 3056, 3059, 3060, 3061, 3062, 3063, 3064, 3067, 3068, 3069, 3073, 3076, 3078, 3079, 3080.
- (b) See Nos. 3036, 3040, 3046, 3061, 3067, 3078.

April 19, 1871. Vol. 17, p. 5. **No. 2044.**—AN ACT to enable the Leavenworth, Lawrence, and Galveston Railroad Company to relocate a portion of its road.

Be it enacted, &c., That the Leavenworth, Lawrence, and Galveston Railroad Company, for the purpose of improving its route and accommodating the country, may relocate any portion of its road south of the town of Thayer, within the limits of its grant, as prescribed by the act of Congress entitled "An act for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State," approved March third, eighteen hundred and sixty-three, but not thereby to change, enlarge, or diminish said land grant. (a)

Land grant not changed.

- (a) See Nos. 2011, 2014, 2015, 2016, 2018, 2019, 2020, 2022, 2023, 2024, 2027, 2029, 2031, 2033, 2034, 2057, 2065, 2070, 2075.

May 8, 1872. Vol. 17, p. 85. **No. 2045.**—AN ACT to provide for the removal of the Kansas tribe of Indians to the Indian Territory, and to dispose of their lands in Kansas to actual settlers.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and empowered to cause to be appraised and sold so much of the lands heretofore owned by the Kansas tribe of Indians in the State of Kansas, and which was ceded to the United States in trust in the treaty made by the United States and said Indians proclaimed November seventeenth, anno Domini eighteen hundred and sixty, and which remain unsold, in the following manner, viz: The said Secretary shall appoint three disinterested and competent persons, who shall, after being duly sworn to perform said service faithfully and impartially, personally examine and appraise said lands by legal subdivisions of one hundred and sixty acres or less, separately from the value of any improvements on the same, and also the value of said improvements, distinguishing between improvements made by members of said Indian tribe, the United States, and white settlers, and make return thereof to the Commissioner of Indian Affairs: *Provided,* That the Secretary of the Interior may, in his discretion, set aside any appraisements that may be made under the provisions of this section, and cause a new appraisement to be made.

Mode of appraisal, &c.

Appraisement may be set aside.

Bona-fide settlers, &c., and their heirs, may purchase not over 160 acres of such lands and improvements at the appraised value.

Occupied lands unsold after one year, &c., to be sold at public sale.

SEC. 2. That each bona-fide settler at the time occupying any portion of said lands and having made valuable improvements thereon, or the heirs at law of such, who is a citizen of the United States, or who has declared his intention to become such, shall be entitled, at any time within one year from the approval of said appraisement, to purchase, for cash, the land so occupied and improved by him, not to exceed one hundred and sixty acres in each case, at the appraised value thereof, including the appraised value of any improvements which may have been made by the United States or any of said Indians on the same, under such rules and regulations as the Secretary of the Interior may prescribe.

SEC. 3. That all the lands mentioned in the first section of this act now occupied by bona-fide settlers, as mentioned in the second section of this act, remaining unsold at the expiration of one year from the approval of said appraisement, shall be sold at public sale, after due

advertisement, to the highest bidder for cash, in tracts not exceeding one hundred and sixty acres; and all the lands mentioned in the first section of this act which shall be unoccupied by bona-fide settlers at the date of such appraisement may be sold at any time after the approval of said appraisement, at public sale, after due advertisement, to the highest bidder for cash, in tracts not exceeding one hundred and sixty acres, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in no case shall any of the lands mentioned in this act be sold at less than their appraised value: *And provided further*, That the Secretary of the Interior may, in his discretion, open any of said lands remaining unsold after having been publicly offered to cash entry at their appraised value, subject to the rights of bona-fide settlers as provided for in this act: (a) *Provided, however*, That the proceeds of the sale of said lands and improvements, after paying the expenses of said appraisement and sale, shall be applied in accordance with the provisions of said treaty in the payment of the liquidated indebtedness of said Kansas tribe of Indians pro rata as the same shall be received, and the excess, if any, shall be distributed to the said Indians, per capita, in money.

Unoccupied lands may be sold after approval of appraisement.

Limit to price. Lands unsold after, &c.

Proceeds of sales of lands how to be applied.

SEC. 4. That if said Kansas tribe of Indians shall signify to the President of the United States their desire to sell their diminished reserve, as indicated in said treaty, including lands held in severalty and in common, and to remove from the State of Kansas, and shall so agree in such manner as the President may prescribe, the Secretary of the Interior may cause the same to be appraised in legal subdivisions as hereinbefore provided for the appraisement of the so-called "trust-lands," and sold in quantities not exceeding one hundred and sixty acres at not less than its appraised value, after due notice, to the highest bidder or bidders on sealed bids, including improvements of every character, and no preference shall be given to settlers on any part of said diminished reserve, and the appraised value of any improvements on any part of said diminished reserve made by any member of said tribe shall be paid to him or her in person, and the residue of the proceeds of said sales shall belong to said tribe in common, fifty per centum of which shall be placed to their credit on the books of the Treasury, and bear interest at the rate of five per centum per annum, said interest to be paid to them semi-annually for the term of twenty years, after which period the principal shall be paid to the members of said tribe per capita, and the remaining fifty per centum of the proceeds of sales as aforesaid shall be used in providing and improving for them new homes in the Indian Territory, and in subsisting them until they may become self-sustaining: *Provided*, That if any adult member of said tribe to whom an allotment was assigned under the provision of articles one and two of said treaty of November, eighteen hundred and sixty, shall desire to remain upon the same, such member of said tribe shall, upon satisfying the Secretary of the Interior that he or she is the person to whom such allotment was originally assigned, and that he or she has, since the date of such assignment, continued to occupy and cultivate the same, be entitled to demand and receive for such allotment a patent in fee-simple; but such land so patented shall be exempt from levy, taxation, or sale during the natural life of such Indian. (b)

The diminished reserve of the Kansas Indians to be appraised and sold, &c., if, &c.

Mode of appraisement and sale.

Improvements.

Proceeds of sales.

Adult members of tribe desiring to remain upon the reservation, may receive patent for their allotment, exempt, &c.

- (a) See Nos. 1148, 1999, 2001, 2014, 2020, 2022, 2023, 2026, 2030, 2036, 2040, 2042, 2043, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.
(b) See Nos. 2013, 2039, 2064, 2076.

No. 2046.—AN ACT for the relief of settlers on the Osage lands in the State of Kansas.

May 9, 1872.
Vol. 17, p. 90.

Be it enacted, &c., That the Osage Indian trust and diminished-reserve lands in the State of Kansas, (a) excepting the sixteenth and thirty-sixth sections in each township, (b) shall be subject to disposal, for cash only, to actual settlers, in quantities not exceeding one hundred and sixty acres, or one quarter-section to each, in compact form, in accordance with the general principles of the pre-emption laws, under and by the direction of the Commissioner of the General Land Office: *Provided*, That claimants shall file their declaratory statements as prescribed in other cases upon unoffered lands, and shall pay for the tracts, respectively, settled upon within one year from date of settlement where the plat of survey is on file at that date, and within one year from the filing

Osage Indian trust, &c., lands in Kansas, except, &c., to be subject to sale to whom, for what, and how. Claimants, when to file statements and make payments.

of the township plat in the district office where such plat is not on file at date of settlement.

Actual settlers who have not paid for and entered their lands, when to file statements and make payments.

SEC. 2. That any actual settler upon these lands who may have failed to pay for and enter the land settled upon by him under the act of July fifteenth, eighteen hundred and seventy, shall have three months from the date of this act in which to file his declaratory statement, and shall be required to prove up his claim and pay for the land before the first day of January, eighteen hundred and seventy-three. And in case of failure of any party to comply with the provisions of this act, the land claimed by him or her shall be subject to the settlement and entry of

Five per cent. interest to be paid on what sum and for what time.

Settler, transferring claims prior to, &c., not precluded from entering upon another tract, if, &c.

Certain restrictions of the pre-emption laws not to apply.

any other qualified person: *Provided*, That all the persons availing themselves of the provisions of this section shall be required to pay, and there shall be collected from them, at the time of making payment for their land, interest on the total amounts paid by them, respectively, at the rate of five per centum per annum, from the date at which they would have been required to make payment under the act of July fifteenth, eighteen hundred and seventy, until the date of actual payment: *Provided further*, That the twelfth section of said act of July sixteenth, eighteen hundred and seventy, is hereby so amended that the aggregate amount of the proceeds of sale received prior to the first day of March of each year shall be the amount upon which the payment of interest shall be based.

SEC. 3. That the sale or transfer of his or her claim upon any portion of these lands by any settler prior to the issue of the Commissioner's instructions of April twenty-sixth, eighteen hundred and seventy-one, shall not operate to preclude the right of entry, under the provisions of this act, upon another tract settled upon subsequent to such sale or transfer: *Provided*, That satisfactory proof of good faith be furnished upon such subsequent settlement: *Provided further*, That the restrictions of the pre-emption laws relating to previous enjoyment of the pre-emption right, to removal from one's own land in the same State, or the ownership of over three hundred and twenty acres, shall not apply to any settler actually residing on his or her claim at the date of the passage of this act. (c)

(a) See Nos. 2036, 2040, 2043, 2061, 2067, 2078.

(b) See Nos. 1856, 1998, 2002, 2003, 2004, 2034, 2040, 2061.

(c) See Nos. 1148, 1999, 2001, 2014, 2020, 2022, 2023, 2036, 2030, 2036, 2040, 2042, 2043, 2045, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

May 11, 1872.
Vol. 17, p. 98.

No. 2047.—AN ACT to carry out certain provisions of the Cherokee treaty of eighteen hundred and sixty-six, and for the relief of settlers on the Cherokee lands in the State of Kansas.

Preamble.

Whereas in order that certain provisions of the treaty of July nineteenth, eighteen hundred and sixty-six, between the United States and the Cherokee nation may be rendered clearer, and made more satisfactory to settlers upon the lands known as the "Cherokee strip," in the State of Kansas, said settlers having moved thereon since the date of said treaty, and for the purpose of facilitating the sale of said lands: Therefore,

Certain Cherokee lands in Kansas to be surveyed and offered for sale.

Be it enacted, &c., That the strip of land lying west of the Neosho River, and included in the State of Kansas, conveyed to the Cherokee nation of Indians by the United States, and now belonging to said nation, (a) shall be surveyed, under the direction of the Commissioner of the General Land Office, in the same manner as the public lands of the United States are surveyed, and shall be by him offered for sale under the provisions and restrictions of this act; and all the lands in said tract lying east of the Arkansas River shall be sold at two dollars per acre, and all lands in said tract lying west of said river shall be sold at one dollar and fifty cents per acre, except as hereinafter provided: *Provided*, That where there is a fraction of land less than forty acres, the same shall be sold with the contiguous tract, expense of survey to be paid out of the proceeds of said land in accordance with the treaty of July ninth, eighteen hundred and sixty-six.

Price.

Fractions of less than forty acres.

Heads of families, &c., settlers, &c., upon these lands may enter and purchase not over 160 acres.

SEC. 2. That each person being the head of a family or over twenty, one years of age who has made a bona-fide settlement and improvement upon any portion of said lands, and is now occupying the same, or, in case of his or her death, the heirs of such, or, if such heirs are minors, their guardians for them, shall be entitled to enter and purchase the lands so settled upon and occupied, not exceeding one hundred and sixty

acres, at the price fixed in the first section of this act, payment for which shall be made at any time within one year from the date of the approval by the Secretary of the Interior of the acceptance of the provisions of this act, as provided for in the fifth section hereof; and all persons heads of families or over twenty-one years of age who may settle upon said lands at any time within one year from the date of the passage of this act, may purchase the land so settled upon, not exceeding one hundred and sixty acres, at the price fixed in the first section of this act, and shall make payment therefor within one year from the date of said settlement: *Provided*, That all lands not sold under the foregoing provisions of this section, and all land settled upon but unpaid for at the expiration of the limitation named in the foregoing provisions of this act, shall, unless such payment be suspended by reason of contest or appeal, be sold by the Secretary of the Interior, on sealed bids, after due advertisement, in tracts not exceeding one hundred and sixty acres, and at not less than the price fixed in the first section of this act: *Provided further*, That proof of settlement, entry, and payment shall be made at the land office of the proper district, under such regulations as the Commissioner of the General Land Office shall prescribe: *And provided further*, That the town-site laws shall be, and hereby are, extended to and made applicable to said lands, subject to the provisions of this act: *And provided further*, That the Secretary of the Interior may cause public advertisement to be made of the provisions of this act. (b)

SEC. 3. That any Cherokee citizen, or the heirs at law of such who had rights under the Cherokee laws to any portion of said lands, and whose titles were valid at the date of the treaty of eighteen hundred and sixty-six, and who may be able to establish such validity within one year from the date of the passage of this act, under such rules as the Secretary of the Interior may prescribe, shall receive the proceeds of the sale of such identical lands, not exceeding one hundred and sixty acres, instead of their being invested as hereinafter provided for in the fourth section of this act.

SEC. 4. That all moneys accruing from the sales of land under this act shall, without unnecessary delay, be invested in the registered five per centum bonds of the United States, as provided in the twenty-third article of the treaty of eighteen hundred and sixty-six.

SEC. 5. That the sale of said lands, as hereinbefore provided for, shall not take place until the provisions of this act are accepted by the Cherokee national council, or by a delegation duly authorized thereby; which acceptance shall be filed with the Secretary of the Interior, and, when approved by him, the same shall be final and conclusive.

(a) See Nos. 2056, 2069.

(b) See Nos. 1148, 1199, 2001, 2014, 2020, 2022, 2023, 2026, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2049, 2050, 2051, 2053, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

No. 2048.—AN ACT to create an additional land district in the State of Kansas.

Be it enacted, f.c., That all that portion of the Republican land district in the State of Kansas, lying and being situated west of the first guide meridian west of the sixth principal meridian be, and hereby is, constituted a new land district, to be called the Northwestern land district.

SEC. 2. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and a receiver for said district, who shall discharge like and similar duties, and receive the same amount of compensation allowed to other officers discharging like duties in the other land offices of said State. (a)

(a) See Nos. 1999, 2001, 2037, 2038, 2058, 2077.

No. 2049.—AN ACT to carry into effect the fourth article of the treaty of February twenty-three, eighteen hundred and sixty-seven, with the Seneca, Shawnee, Quapaw, and other Indians.

Whereas, by the fourth article of the treaty of February twenty-third, eighteen hundred and sixty-seven, with the Shawnee, Quapaw, and other Indians, the strip of lands belonging to said Quapaws lying within the State of Kansas was sold to the United States, and intended, by the amendment to said article, to be sold to actual settlers, under the pre-emption laws of the United States; but whereas, by the manner of insertion of said amendments, the said lands are left without any pro-

Price and payment.

Heads of families, &c., who may settle, &c., within one year.

Lands not sold within, &c., to be sold, on sealed bids, after, &c.

Proof of settlement, entry, and payment.

Town-site laws made applicable. Public advertisement.

Certain Cherokee citizens, &c., to receive proceeds of sales of certain lands.

Proceeds of sales under this act to be invested.

Sales not to be made until provisions of this act are accepted by Cherokee national council, &c.

May 23, 1872.
Vol. 17, p. 157.

Northwestern land district in Kansas established.

Register and receiver, their duties and pay.

June 5, 1872.
Vol. 17, p. 228.

Preamble.

Amendment of treaty declared to apply to what lands of the Quapaw Indians.

visions for their disposal: Therefore, for the purpose of carrying out the intention of the treaty and of its amendments,

Be it enacted, &c., That the said amendment shall not be construed as authorizing or providing for the disposal of the lands of the said Quapaw Indians, which, by the fourth article of the said treaty of February twenty-third, eighteen hundred and sixty-seven, were sold to the United States at one dollar and fifteen cents an acre, and lying and being within the boundary of the Indian Territory, but said amendment shall refer to, and be construed to authorize and direct, the disposal of the strip of land theretofore belonging to said Indians, lying and being within the State of Kansas, and which, by the aforesaid article of said treaty, were [was] sold to the United States for one dollar and twenty-five cents an acre.

Certain land in Kansas ceded to the United States by the Quapaw Indians open to entry and pre-emption.

One half-section to Samuel G. Vallier.

SEC. 2. That the said strip of land within the State of Kansas, so ceded to the United States by the said Quapaw band of Indians, be, and the same is hereby, declared open to entry and pre-emption, under the pre-emption laws of the United States, at the price of one dollar and twenty-five cents an acre, excepting therefrom one half-section, to be patented to Samuel G. Vallier, including his improvements, as provided in the fourth article of said treaty; and all such pre-emptions shall be paid for in the lawful money of the United States, at the proper land office of the United States, within one year from the date of settlement, or where settlement was made before the passage of this act, then within one year from the passage of the same: *Provided*, That in case any settler has entered upon and improved a single tract, not exceeding one hundred and sixty acres, a part of which is embraced in said Quapaw strip, and a part on the Government strip, so called, his entry of the part on the Government strip, under the pre-emption laws, shall not prevent the entry of the remainder of his tract upon said Quapaw lands, in the State of Kansas, under this act. (a)

(a) See Nos. 1148, 1999, 2001, 2014, 2020, 2022, 2023, 2026, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2050, 2051, 2053, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

June 10, 1872.
Vol. 47, p. 398.

Preamble.

No. 2050.—AN ACT for the relief of certain Indians in the central superintendency.

Whereas the members of the tribe of Ottawa Indians of Blanchard's Fork and Roche de Bœuf have presented their petition earnestly requesting that a sale be made of their lands, premises, assets, and other property in the State of Kansas, and that the proceeds thereof be distributed in severalty to the present members of said tribe, their heirs or assigns: Therefore,

Inventory to be taken of the unsold lands, and certain other property of the Ottawa Indians of Blanchard's Fork and Roche de Bœuf.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed and required to have an inventory taken of all the lands and appurtenances thereto appertaining, remaining unsold, mentioned in the sixth article of the treaty between the United States and said tribe of Indians, concluded June twenty-fourth, anno Domini eighteen hundred and sixty-two, and proclaimed July twenty-eighth, eighteen hundred and sixty-two, or acquired, held, or controlled under authority conferred by said article, including any lands formerly trust-lands, belonging to said tribe, purchased and held by the trustees provided for in said article, including also any land acquired by the trustees of the Ottawa University under authority of the twentieth article of the treaty of July twenty-third, eighteen hundred and sixty-seven, between the United States and the Senecas, mixed Senecas, Shawnees, and other Indians, or in any other manner; together, also, with the section of land reserved under the provisions of said article of the treaty aforesaid for the location of a school and the appurtenances thereto appertaining; also, of all bonds, notes, mortgages, moneys, credits, assets, and other property arising from sales heretofore made of lands mentioned in the said sixth article of said treaty or from sale of lands purchased by the trustees provided for therein, or from any other source, and the said lands, premises, appurtenances, bonds, notes, mortgages, credits, and assets, and other property aforesaid shall be inventoried and appraised by three commissioners, who shall be appointed by the Secretary of the Interior. After the inventory and appraisement of said lands, premises, appurtenances, bonds, notes, mortgages, moneys, credits, assets, and other property aforesaid as herein provided, the Secretary of the Interior shall be, and hereby is, authorized and required

Appraisement thereof to be made.

forthwith to take possession for the United States, advertise and sell the same upon such terms and conditions as he may prescribe: *Provided, However,* That such advertisement shall be inserted once in each week for four weeks successively, in a newspaper published and having general circulation in Franklin County, Kansas, and for the same length of time in the State paper of Kansas, published at the city of Topeka, State of Kansas: *And provided further,* That no bid shall be accepted which may be less than the appraised value of such premises and other property: (a) *And provided further,* That said bonds, notes, mortgages, credits, personal property, and assets shall be sold in separate parcels, and the lands shall be sold in parcels of not more than one hundred and sixty acres each; and no purchaser shall be permitted to purchase more than one quarter-section thereof. Upon the payment of the purchase money of said lands upon the terms and conditions aforesaid, the Secretary of the Interior shall cause to be issued to the purchaser or purchasers patents for the same. Such lands and the whole thereof shall be subject to taxation as other lands in the State of Kansas are taxable, notwithstanding any provisions of law heretofore existing. The said commissioners are authorized to examine, under oath, any person or persons touching the property, credits, or assets hereinbefore mentioned, and to compel the production of such books, or other testimony as may pertain to the same; and for this purpose they are, and each of them is, hereby empowered to administer all necessary oaths, and the trustees acting under said sixth article of said treaty are hereby required upon demand, to account to said commissioners for all moneys, property, choses in action or assets, of any description that may be now, or at any time heretofore has been in their possession or under their control, and the trust created by virtue of said article is hereby discharged, vacated, and declared at an end; but nothing herein contained shall be so construed as to relieve the said trustees, or any of them, from any liability incurred in the management or disposition of said property or any part thereof. The proceeds of such sales shall be paid to the several members of the said tribe, their heirs or assigns, per capita; and in case any of the members of said tribe are minors, then such sums of money as are due or coming to them from such proceeds shall be paid to the guardian of such minors appointed under the laws of the State of Kansas. The commissioners to be appointed under the provisions of this act shall receive compensation for their services at the rate of five dollars for each day actually engaged in the duties herein designated, in addition to the amount paid by them for actual travel and other necessary expenses, and the said sums and expenses shall be paid out of the funds arising from the sales of the property herein provided to be disposed of. (b)

- (a) See Nos. 1148, 1999, 2001, 2014, 2020, 2022, 2023, 2026, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2051, 2053, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.
(b) See No. 2054.

No. 2051.—AN ACT for the relief of certain tribes of Indians in the northern superintendency.

June 10, 1879.
Vol. 17, p. 391.

[See NEBRASKA, No. 2120.]

No. 2052.—AN ACT authorizing the removal of restrictions upon the alienation of certain Miami Indian lands in the State of Kansas.

Jan. 23, 1873.
Vol. 17, p. 417.

Be it enacted, &c., That the legislature of the State of Kansas is hereby authorized to remove the restrictions against the liability to leases, alienation, levy, sale, execution, taxation, and forfeiture of lands in said State, patented under and in pursuance of the second article of the treaty of June fifth, eighteen hundred and fifty-four, between the Miami Indians and the United States, in all cases in which the title has legally passed to citizens of the United States other than Indians. And Congress hereby assents to the removal of said restrictions as provided by the joint resolution of Kansas, approved March first, eighteen hundred and seventy-two, subject to the provisions of this act.

Such lands and property to be advertised for sale and sold.
How a advertised.

Mode of sale.
No one to purchase more than, &c.

Patents for purchasers.

Lands to be subject to taxation in Kansas.

Power of commissioners to appraise in making examinations as to said property.

Proceeds of sales, how to be applied.

Compensation of commissioners.

To be paid from sales.

Removal of restrictions upon the alienation of certain Miami Indian lands in the State of Kansas authorized and assented to.

Feb. 19, 1873.
Vol. 17, p. 486.

No. 2053.—AN ACT to provide for the sale of certain New York Indian lands in Kansas.

Certain settlers upon and occupants of certain New York Indian lands in Kansas may purchase them.

Value, how ascertained.

Patents.

Entries to be made within two years.

Purchase money to be held in trust for the Indians, &c.

Certain Indians may have patents.

Be it enacted, &c., That those persons being heads of families or single persons over twenty-one years of age who have made settlement and improvement upon, and are bona-fide claimants of, and occupants of, either in person or by tenants, the lands in Kansas which were allotted to certain New York Indians, and for which certificates of allotment, dated the fourteenth day of September, eighteen hundred and sixty, for three hundred and twenty acres of land each were issued to thirty-two of said Indians, shall be, and hereby are, authorized and permitted to enter and purchase at the proper land office said lands so occupied by them, in tracts not exceeding one hundred and sixty acres, according to the Government surveys, on paying therefor in lawful money of the United States the appraised value of said tracts respectively, to be ascertained by three disinterested and competent appraisers, to be appointed by the Secretary of the Interior, who shall examine in person each tract and report under oath its value, exclusive of improvements; and patents shall issue to them therefor as in other cases, but no sale shall be made under this act for less than three dollars and seventy-five cents per acre; and the Secretary of the Interior shall prescribe such regulations as may be necessary to carry this act into effect according to the intent thereof, (a) and such entries shall be made within two years from the time such regulations shall be promulgated, and the moneys that shall arise from such sales shall be paid into the Treasury of the United States, in trust for, and to be paid to, said Indians respectively, to whom said certificates were issued, or to their heirs, upon satisfactory proof of their identity to the Secretary of the Interior, at any time within five years from the passage of this act; and in case such proof is not made within the time specified, then the proceeds of such sales, or so much thereof as shall not have been paid under the provisions of this act, shall become a part of the public moneys of the United States: *Provided*, That any Indian to whom any of said certificates was issued, and who is now occupying the land allotted thereby, shall be entitled to receive a patent therefor. (b)

(a) See Nos. 1148, 1999, 2001, 2014, 2020, 2022, 2023, 2026, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

(b) See Nos. 2060, 2071.

March 3, 1873.
Vol. 17, p. 623.

No. 2054.—AN ACT repealing an act entitled "An act for the relief of certain Indians in the central superintendency" approved June tenth eighteen hundred and seventy-two.

AN ACT supplemental to an act entitled "An act for the relief of certain Indians in the central superintendency" approved June tenth, eighteen hundred and seventy-two, and to settle by commission all rights and equities respecting the property to which said act refers.

Preamble.

Whereas, by an act entitled "An act for the relief of certain Indians in the central superintendency" approved June tenth, eighteen hundred and seventy-two, the Secretary of the Interior was authorized and directed to appoint three commissioners and to take an inventory of, appraise, and sell certain lands, bonds, notes, accounts, contracts, mortgages, and other property or assets held or acquired in any manner under a trust in respect to education, created and confirmed by treaties with the Ottawa Indians of Blanchard's Fork and Roche de Boeuf, proclaimed July twenty-eighth, eighteen hundred and sixty-two, and October fourteenth, eighteen hundred and sixty-eight, and to pay the proceeds of such sale to the several members of the said tribe, their heirs or assigns, per capita; and whereas counter claims of rights and equities in said lands, bonds, notes, accounts, contracts, mortgages, and other property or assets having been set forth and affirmed by the trustees under said trust, and by the American Baptist Home Mission Society, the Secretary of the Interior has referred to Congress the question of further legislation; and whereas representatives of all the said parties have united in an agreement to make friendly application to Congress for legislation providing for the ascertainment of all such property, real and personal, and the severance and satisfaction by commission, of the equitable interests of the contending parties: Now, therefore, in order that the perfect justice may be done in the premises to all the said parties,

Be it enacted, &c., That Walter R. Irwins, Luther R. Smith, commissioner appointed by the Secretary of the Interior under the aforementioned act, together with Henry S. Neal, of Ohio, Joseph Henry, of Washington, D. C., and Emory Washburn, of Massachusetts, be, and they are hereby, constituted a commission to investigate and ascertain all the property, real or personal, rights and interests legal or equitable, held or acquired under such trust, and to determine and award upon the rights and equities of the said parties in the property aforesaid for which purpose they are invested with sufficient power and authority to hear and determine, and to make such rules and orders thereunto as may be necessary, and their award shall be final and conclusive of all the rights and claims of all parties.

SEC. 2. That the said commission shall assemble on or before the first Wednesday in August, eighteen hundred and seventy-three, at such place as a majority of its members may select, and, upon being duly sworn by any person authorized to administer oaths, they shall proceed to organize by the election of one of their number as president and of another as secretary, with authority to procure rooms and attendance. A majority shall constitute a quorum for all business, and they may adjourn to any place deemed by them more convenient. The Secretary of the Interior shall be authorized to detail a stenographer for the service of the commission. In order to the prompt and easy carrying into effect of their final award the commission shall proceed to demand and take possession of all the lands, bonds, notes, accounts, choses in action, contracts, mortgages, records and other property or assets, held or required under said trust, and in case of the refusal of any person or persons to give possession of and deliver such lands, bonds, notes, accounts, choses in action, contracts, mortgages, records and other property or assets, shall bring suit, or suits in behalf of the parties in interest, in the name of the United States as plaintiff, for the same in the United States circuit court for the eighth judicial circuit, which court shall have power to appoint a receiver; and it shall be the duty of the Attorney-General to prosecute the said suit or suits to final judgment. The commission shall, nevertheless, proceed to inquire, to investigate, determine and award as if in actual possession of the property; and the said commission shall determine and adjudge the various claims according to what they shall deem the rights and equities of the case. After meeting the necessary expenses of this adjudication as hereinafter provided, any lands or other property, interest or equities which may be awarded to the Indians aforesaid shall be sold, paid, or delivered for their benefit as the commission may direct; and any equities which may be awarded to the said trustees and to the said Home Mission Society shall be paid or delivered as the commission may direct. Patents of lands may be issued by the Secretary of the Interior, and he shall be authorized and empowered to do any other act necessary, in his judgment, to carry into effect the awards of this commission, on notice to him by the said commissioners of their final award. Lands so patented shall be liable to taxation under the laws of Kansas after five years from the passing of this act, or sooner if sold by the parties to whom they may be patented under the said award: *Provided, however* That the section on which the Ottawa University stands, or any part of it, which may remain as a site of an institution of learning, shall remain free from taxation until the legislature of Kansas shall otherwise order. The said commissioners shall be required to make an award in writing which, within thirty days after the case is finally submitted, shall be filed in the office of the Secretary of the Interior, and a copy thereof shall be delivered by the Secretary of the Interior to each of said parties when the same is so filed; and the concurrence of a majority of said commissioners in such award shall be necessary. Said commissioners shall also fix the amount of fees or compensation to be paid to the counsel of said Indians for services already rendered before the passing of this act, and which may be rendered hereafter in the premises, together with their expenses, which compensation and expenses shall be paid out of the funds, property and assets awarded to said Indians; and they shall also audit the costs of proceedings before this commission, which, with the compensation of the commissions to be fixed by the Secretary of the Interior, and their expenses, together with the compensation and expenses of the commission appointed under the act of June tenth, eighteen hundred and seventy-two, to be presented by the Secretary of the

Commissioners appointed to determine the rights, &c., of parties under a trust in respect to education created by treaties with certain Ottawa Indians.

Their award to be final.

Commission to assemble when and where; and their proceedings, powers, and duties.

Quorum.

Stenographer. Possession to be taken of trust property.

Distribution.

Patents.

Taxation by Kansas.

Award of commissioners to be filed in the office of the Secretary of the Interior.

Fees for counsel to Indians.

Expenses and pay of commissioners. Costs of proceedings.

Interior shall be paid out of any property as a whole, and in proportion to the several interests as adjudged.

Vacancies in the commission. SEC. 3. That any vacancy occurring in this commission shall be filled by the President of the United States.

Awards, how may be carried into effect. SEC. 4. That any person or party interested in the awards to be made under this act shall have the right to institute suit or suits at law, or in chancery, before the circuit court of the United States within the State of Kansas, to carry into effect and enforce any decision made by the commissioners appointed under this act, and for this purpose, jurisdiction is hereby given to said court in all cases thus arising, and from the orders, decrees, and judgments of said court in such cases appeals may be taken as in other cases.

If parties agree upon a settlement before the commissioners render their decision, Secretary of the Interior to carry it into effect, &c. SEC. 5. That if, at any time before the rendering of a decision by the commission aforesaid, the parties to the questions in controversy shall agree upon a settlement, and the said settlement shall be approved by the Secretary of the Interior, then the Secretary of the Interior is hereby authorized and empowered to issue patents of lands, and to do any other act necessary, in his judgment, to carry such settlement into effect, as if it were an award of the said commission, and each and all of the said parties shall have the right to enforce the terms of the settlement by suits in law or in chancery as provided for in section four of this act.

Rights of parties in such case. SEC. 6. That upon carrying into effect of the award or settlement aforesaid, the jurisdiction of the United States over the questions and property hereinbefore named, and the trust relating thereto, created by the aforesaid treaties shall cease and determine.

Jurisdiction of the United States to cease, upon, &c. SEC. 7. That this act shall be in force from and after its passage. (a)

When act takes effect. (a) See No. 2050.

March 3, 1873. Vol. 17, p. 631. No. 2055.—AN ACT to abolish the tribal relations of the Miami Indians, and for other purposes.

The unallotted, reserved lands, &c., of the Miami Indians in Kansas, may be sold. *Be it enacted, &c.,* That if the Miami tribe of Indians in Kansas shall signify to the President of the United States their desire to sell the lands reserved for the future homes of the said Indians by the first article of the treaty of June fifth, eighteen hundred and fifty-four, and which remain unallotted, together with the school section mentioned in said article, said lands shall be disposed of in the following manner to wit: The said secretary shall appoint three disinterested and competent persons, who shall, after being duly sworn to perform said service faithfully and impartially, personally examine and appraise said lands by legal subdivisions of one hundred and sixty acres or less, separately, and make return thereof to the Commissioner of Indian Affairs: *Provided,* That the Secretary of the Interior may, in his discretion, set aside any appraisements that may be made under the provisions of this act, and cause a new appraisement to be made; *And provided further,* That in making said appraisement, the land and improvements made by the United States and Indians shall be included, and the improvements made by white settlers shall be excluded in determining an estimate of the value thereof.

Lands to be appraised, and mode of appraisal. SEC. 2. That each bona-fide settler occupying any portion of said lands at the date of the passage of this act, and having made valuable improvements thereon, or the heirs at law of such, who is a citizen of the United States, or who has declared his intention to become such, shall be entitled, at any time within one year from the return of said appraisement, to purchase, for cash, the land so occupied and improved by him, not to exceed one hundred and sixty acres in each case, at the appraised value thereof, under such rules and regulations as the Secretary of the Interior may prescribe. And on failure to make payment within one year from date of said approval of appraisement the right of such settler to purchase as aforesaid shall cease, and it shall be the duty of the Secretary of the Interior to sell the same, either at public sale or on sealed bids, for cash, to the highest bidder, at not less than the appraised value, nor less than one dollar and twenty-five cents per acre, after due notice by public advertisement. And all lands referred to in this and the foregoing sections not so occupied and improved by settlers at the date of the approval of this act shall be appraised by said appraisers, including all improvements thereon of every character, and sold by direction of the Secretary of the Interior to the highest bidder, for cash, after due advertisement, either at public sale or on

Certain bona-fide settlers may within a year purchase not exceeding, &c., at appraised value.

If payment is not made within a year.

Lands not occupied and improved by settlers to be appraised and sold to highest bidder.

sealed bids, at not less than the appraised value, nor less than one dollar and twenty-five cents per acre as aforesaid, in quantities not exceeding one hundred and sixty acres aforesaid. (a) Minimum price.

SEC. 3. That if any adult member of said tribe shall desire to become a citizen of the United States, shall prove by at least two competent witnesses, to the satisfaction of the circuit court of the United States for the State of Kansas, that he or she is sufficiently intelligent and prudent to manage his or her own affairs, and has, for the period of five years, been able to maintain himself or herself and family, and has adopted the habits of civilized life, and shall take an oath of allegiance to the United States, as provided by law for the naturalization of aliens, he or she shall be declared by said court to be a citizen of the United States, which shall be entered of record and a certificate thereof given to said party. On the presentation of said certificate to the Secretary of the Interior, with satisfactory proof of identity, he may, at the request of such person or persons, cause the lands severally held by them and their minor children to be conveyed to them by patent in fee-simple, without the power of alienation, and may, at his discretion, cause to be paid to them, from time to time, their proportion of all the moneys and effects of said tribe held for them by the United States, or which may be received as the net proceeds of the sale of lands under the provisions of this act; after which said Indians and their minor children shall cease to be members of any Indian tribe; but the lands so patented to them shall not be subject to levy, taxation, or sale during the natural lives of said Indians or of their minor children. Adult members of the tribe, how may become citizens.

Lands may be conveyed to them in fee, and not to be taxable for, &c.

Indians then to cease to be members of the tribe.

SEC. 4. That the Secretary of the Interior shall, in ninety days from the passage of this act, cause to be taken a census of all the Miami Indians entitled to a share in the reserved lands and the moneys set apart by the treaty between the United States and the Miami Indians, dated June the fifth, eighteen hundred and fifty-four, for that part of the tribe known as Western Miamies, including in said census those persons of Miami blood or descent for whom provision was made by the third section of the act of June twelfth, eighteen hundred and fifty-eight, if in the opinion of the Secretary of the Interior the said Indians are entitled to be so included under treaty stipulations; but in such census none shall be included unless justly entitled according to the provisions of said treaty; and with said census there shall also be made two lists, one containing the names of all the Indians so entitled who may elect to become citizens of the United States, and their minor children (heads of families choosing) the other the names of all who elect to remain under the care of the United States, and to unite with the Wea, Peoria, Kaakaakia, and Piankeshaw Indians in the Indian Territory, according to the provisions of a contract dated January the fifteenth, eighteen hundred and seventy-two, between the Western Miami Indians, of Kansas, of one part, and said Wea, Peoria, Kaakaakia, and Piankeshaw Indians, of the other part, and their minor children; which census and lists shall be filed in the office of the Secretary of the Interior, and which census and lists, when properly taken and filed as aforesaid, shall be approved by the Secretary of the Interior, and thenceforward, those whose names are on the citizens' list shall be treated and regarded, in all respects, as citizens of the United States: *Provided*, That they become citizens and comply with the provisions of the third and fourth sections of this act relating to naturalization. *And provided further* That the Secretary of the Interior is hereby directed to ascertain what amount if any is due the Miami tribe of Indians referred to in the corrected lists under the treaty of eighteen hundred and fifty-four, on account of certain annuities which were distributed to and among those persons of Miami blood and descent who were included in the act of eighteen hundred and fifty-eight, and by virtue of the same were authorized and did receive their proportion respectively in said annuities, and to cause that amount to be deducted out of the consolidated fund as herein provided for and paid to said Miami Indians referred to in said corrected lists made by virtue of the said treaty of eighteen hundred and fifty-four. Census of the Miami Indians to be taken

Who to be included therein.

Two lists to be made.

Census and lists to be filed.

Those on citizens' lists to be treated as citizens, when, &c.

Amount, if any, due to certain Miami Indians, to be ascertained, and deducted.

SEC. 5. And the proceeds of the sales of the said unallotted lands, including said school section, and all moneys, securities, annuities, and effects held by the United States for said Miami Indians of Kansas, after making the foregoing deductions for citizen Indians and their minor children, shall belong to and be the exclusive property of the said last-named Indians, to be known as their consolidated fund. Proceeds of sales of lands, &c., after, &c., to be the property of the Miami Indians.

Secretary of the Interior to examine, &c., the contract between the Western Miami Indians and the Weas, &c.

May pay, &c.

After union, the united tribe to be called what.

Rights of individual Miamis not affected.

April 29, 1874.
Vol. 18, p. 41.

Time of making proof of settlement and payment for lands on Cherokee strip extended to January 1, 1875.

Rights preserved.

Interest.

SEC. 6. That the Secretary of the Interior is hereby authorized and directed to examine a contract made by and between the said Western Miami Indians of Kansas, and the confederated Wea, Peoria, Kaskaskia, and Piankeshaw Indians, made on the fifteenth day of January, anno Domini, eighteen hundred and seventy-two, and to approve the same with such modifications as justice and equity may require; and, for the purpose of carrying into effect said arrangement may withdraw from said consolidated fund, and pay to the confederated Wea, Peoria, Kaskaskia, and Piankeshaw Indians, a sum sufficient to pay said Wea, Peoria, Kaskaskia, and Piankeshaw Indians, according to said contract of the fifteenth of January aforesaid, for an interest in the lands of the last-named confederated tribe, for all of said Miamis, electing as aforesaid, to unite with said confederated tribe; and after making such payment, there shall be set apart and capitalized with the funds of said Wea, Peoria, Kaskaskia, and Piankeshaw Indians, a sum sufficient to warrant and justify all said Miamis so entitled, and so electing, to unite with said Wea, Peoria, Kaskaskia and Piankeshaw Indians in drawing thereafter like annuities with said Wea, Peoria, Kaskaskia, and Piankeshaw Indians, without prejudice to the rights and interests of said last-named Indians; and the remainder of such consolidated fund shall then be paid, (under like direction,) per capita, to all those so entitled, and so electing to unite with said Wea, Peoria Kaskaskia and Piankeshaw Indians, to aid them in moving to, and improving their new homes in the Territory; and after their union with said confederated Wea, Peoria, Kaskaskia, and Piankeshaw Indians, the united tribe shall be called the United Peorias and Miamis, and thereafter shall all draw equal and like annuities, according to the provisions of said contract of the fifteenth of January, anno Domini, eighteen hundred and seventy-two, and such modifications as may be agreed to by said contracting parties, with the approval of said Secretary, as herein provided.

SEC. 7. That the provisions of this act shall not in any way affect the rights or claims of those individual Miamis or persons of Miami blood or descent who are named in the corrected list referred to in the Senate amendment to the fourth article of the treaty of June fifth, eighteen hundred and fifty-four, or their descendants. (b)

(a) See Nos. 1148, 1999, 2001, 2014, 2020, 2023, 2026, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

(b) See No. 2060.

No. 2056.—AN ACT for the relief of settlers on the Cherokee strip in Kansas.

Be it enacted, &c., That all persons who, by the provisions of the second section of the act entitled "An act to carry out certain provisions of the Cherokee treaty of eighteen hundred and sixty-six, and for the relief of settlers on the Cherokee lands in the State of Kansas," approved May eleventh, eighteen hundred and seventy-two, (a) who have become entitled at any time to enter and purchase any portion of the lands mentioned in said act, but who have failed to make proof of settlement, entry, and payment within the times provided by said act, shall have and be allowed additional time within which to make such proof of settlement, entry, and payment to the first day of January, eighteen hundred and seventy-five; and no forfeiture of any rights of such persons shall be had or have effect by reason of failure heretofore to make such proof of settlement, entry, and payment within the time provided by said act, anything in the said act to the contrary notwithstanding; and all persons availing themselves of the provisions of this act shall, at the time of entry and payment, pay interest on the purchase money of their lands at the rate of five per centum per annum from the time at which such payments should have been made by the terms of the aforesaid act to the time that payment shall be made. (b)

(a) See Nos. 2047, 2069.

(b) See Nos. 1148, 1999, 2001, 2014, 2020, 2023, 2026, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

June 20, 1874.
Vol. 18, p. 111.

No. 2057.—AN ACT making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862."

[See NEBRASKA, No. 2122.]

No. 2058.—AN ACT to create two additional land districts in the State of Kansas.June 30, 1874.
Vol. 18, p. 121.

Be it enacted, &c., That all the western portion of the State of Kansas, included as follows, to wit, commencing at the northeast corner of township ten of range sixteen, and running thence west to the western boundary of the State; thence south, along said boundary line, to the fourth standard parallel; thence east, along said parallel line, to the southeast corner of Rush County; thence north to the place of beginning, be, and hereby is, constituted a new land district, to be called the western land district.

Additional land districts in Kansas established.
Western land district.
Boundaries.

SEC. 2. That all the western portion of the State of Kansas, included as follows, to wit, commencing at the northeast corner of Barton County, and running thence west to the northwest corner of said county; thence south to the southwest corner of said county; thence west along the fourth standard parallel line to the western boundary of the State; thence south along said boundary line to the southern boundary of the State; thence east along said boundary line to the southeast corner of Barbour County; thence north to the place of beginning, be, and hereby is, constituted a new land district, to be called the Arkansas Valley land district; and shall, in addition, include in the district the lands lying in Rice and Reno counties.

Arkansas Valley land district.
Boundaries.

SEC. 3. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and a receiver for each of said districts who shall discharge like and similar duties and receive the same amount of compensation allowed to other officers discharging like duties in the other land offices of said State. (a)

Registers and receivers.

(a) See Nos. 1999, 2001, 2037, 2038, 2043, 2077.

No. 2059.—AN ACT providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale.June 23, 1874.
Vol. 18, p. 272.

Whereas, the Secretary of the Interior, in pursuance of an act approved May eighth, eighteen hundred and seventy-two has caused to be appraised the lands heretofore owned by the Kansas tribe of Indians, in the State of Kansas, which by the terms of the treaty made by the United States and said Indians, and proclaimed November seventeenth, eighteen hundred and sixty, were to be sold for the benefit of said Indians; which appraisement also includes all improvements on the same, and the value of said improvements distinguishing between improvements made by members of said Indian tribe, the United States, and white settlers; and whereas the appraisement thus made was so high that neither settlers nor purchasers were able to pay the same, and the said land has remained unsold from the passage of the act, (a) therefore,

Preamble.

Be it enacted, &c., That each bona-fide settler on any of the trust-lands embraced in said act, heretofore reported as such by the commissioners appointed to make said appraisement, and the rejected claimants as bona-fide settlers, who were recommended as such by Andrew C. Williams, acting under instructions to Superintendent Hoag, from the Indian Office, dated October twenty-fourth, eighteen hundred and seventy-two, be permitted to make payment of the appraised value of their lands to the local land office at Topeka, Kansas, under such rules as the Commissioner of the General Land Office may adopt, in six equal annual instalments; the first instalment payable on the first of January, eighteen hundred and seventy-five, and the remaining instalments payable annually from that time, and drawing interest at six per centum per annum until paid: *Provided,* That where there is timber on any of the lands to be sold under the provisions of this act, the Secretary of the Interior shall require the purchaser to enter into bond, with approved security, that he shall commit no waste on the timber, or otherwise, on said land until the last payment is made, and give his notes to secure the purchase money thereof on the terms aforesaid.

Settlers on Kansas Indian trust-lands may make payment of appraised value in six annual instalments.

SEC. 2. That all the remainder of the trust-lands and of the undisposed portion of the diminished reserve shall be subject to entry at the local land office at Topeka, Kansas, in tracts not exceeding one hundred and sixty acres, unless a legal subdivision of a section shall be fractional and found to contain a greater number of acres, by actual settlers, under such rules and regulations as the Commissioner of the General Land Office may prescribe. And the parties making such entries shall be required to make payment of the appraised value of the land entered and occupied by each, in the following manner: One-fourth at the time

Instalments, when payable.

Interest on instalments.

Where timber-land purchaser to give bond.

Notes to secure purchase money.

Remainder of trust-lands and of diminished reserve subject to entry.

Payment of appraised value.

Manner of payment. that the entry is made, and the remainder in three equal annual payments, drawing interest at six per centum per annum, which payments shall be secured by notes payable to the United States, and the Secretary of the Interior, shall withhold title until the last payment is made; and the Secretary of the Interior, where there is timber on the lands, shall, in addition, compel the purchaser to enter bond, with approved security, to commit no waste by the destruction of timber, or otherwise, on the premises, until final payment has been made; and the Secretary of the Interior shall cause patents in fee-simple to be issued to all parties who shall complete purchases under the provisions of this act: *Provided*, That if any person or persons applying to purchase land under the provisions of this act shall fail to make payment, or to perform any other conditions required by the provisions of this act, or by rules and regulations that may be prescribed in the execution hereof, within ninety days after such payment shall become due, or performance be required by the terms hereof, or by the rules and regulations which may be prescribed in execution hereof, such person or persons shall forfeit all rights under the provisions of this act, and all claim or right to reimbursement or compensation for previous action or payment by said person or persons under the provisions hereof; and the land proposed to be purchased by such person or persons shall again be subject to sale, as though no action had been had in regard to the same: *And provided*, That all of the lands not taken within twelve months after the passage of this act may be sold in amounts not to exceed one hundred and sixty acres to any one person, at the appraised price in the land district in which they are situated. (b)

Land again subject to sale. SEC. 3. That in preparing or giving their testimony, all settlers or purchasers of land under the provisions of this act may have such testimony taken, after due and legal notice to the opposing party in interest, before any notary public or person qualified to administer an oath, and may forward such testimony with their application to the land offices or parties authorized to dispose of said lands, which testimony shall be received as if taken before the officers of such land office.

Lands not taken in twelve months may be sold at appraised price. SEC. 4. That the net proceeds arising from such sales, after defraying the expenses of appraisement and sale, which have heretofore or may hereafter be incurred, and also the outstanding indebtedness, principal and interest, of said Kansas tribe of Indians, which has heretofore been incurred under treaty stipulations, shall belong to said tribe in common, and the residue not so required shall be placed to their credit on the books of the Treasury, and bear interest at the rate of five per centum, per annum and be held as a fund for their civilization, the interest of which and the principal, when deemed necessary by the President of the United States, may be used for such purpose.

Testimony may be taken before any person qualified to administer oaths. (a) See Nos. 2013, 2045, 2064, 2076.
(b) See Nos. 1148, 1999, 2001, 2014, 2020, 2023, 2023, 2026, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

Net proceeds of sales, after, &c., to belong to tribe in common. To be placed to their credit.

To bear interest. To be held as a fund for their civilization.

Use of interest or principal of fund.

June 23, 1874.
Vol. 18, p. 273.

No. 2060.—AN ACT to further provide for the sale of certain Indian lands in Kansas.

Be it enacted, &c., That those persons who by the provisions of the second section of the act entitled "An act to abolish the tribal relations of the Miami Indians, and for other purposes," approved March third, eighteen hundred and seventy-three, (a) are entitled to purchase, for cash, the land occupied by them at the appraised value thereof, be permitted to make payment for said lands at the land office at Topeka, Kansas, under such regulations as may be prescribed by the Secretary of the Interior, in three equal annual instalments; the first instalment to be payable on or before the thirtieth day of October, eighteen hundred and seventy-four, and the remaining two instalments annually thereafter, with interest at the rate of six per centum per annum, from the thirtieth day of October, eighteen hundred and seventy-four. (b)

Settlers on Miami Indian lands may make payment in three annual instalments. SEC. 2. That those persons who, by the provisions of the act entitled "An act to provide for the sale of certain New York Indian lands in Kansas," approved February nineteenth, eighteen hundred and seventy-three, (c) are entitled to enter and purchase, for cash, the lands in said act set forth, be permitted to make payment for the same at the land office at Independence, Kansas, under such regulations as the Secretary of the Interior may prescribe, in two equal instalments; the first instalment to be payable on or before the thirtieth day of September, eighteen

Instalments, when payable.

Interest.

Purchasers of New York Indian lands in Kansas may make payment in two annual instalments.

When payable.

hundred and seventy-five, and the remaining instalment within one year thereafter, with interest at the rate of six per centum per annum from said thirtieth day of September, eighteen hundred and seventy-five. *Provided, however,* That this act shall only apply to actual settlers on the land so purchased. (b)

Interest.
Act to apply
only to actual
settlers.

(a) See No. 2060.

(b) See Nos. 1148, 1999, 2001, 2014, 2020, 2022, 2023, 2026, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2059, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

(c) See Nos. 2053, 2071.

No. 2061.—AN ACT to extend the time for completing entries of Osage Indian lands in Kansas

June 23, 1874.
Vol. 18, p. 283.

Be it enacted, &c., That all actual settlers upon the Osage Indian trust and diminished-reserve lands in the State of Kansas (a) shall be allowed one year from the passage of this act in which to make proof and payment: *Provided,* That all purchasers who avail themselves of the provisions of this act shall pay interest on the purchase price of their lands at the rate of five per centum from the date when payment was required by previous laws to date of actual payment: *And provided further,* That no further extension of payment shall be granted than that provided for in this act, and that all occupants now upon said Osage lands shall file their application to purchase the lands occupied by them within three months after the passage of this act, or forfeit all right or claim to the same. (b)

Settlers on
Osage Indian
lands allowed ad-
ditional time to
make proof and
payment

Interest at five
per cent.

No further ex-
tension.

Applications to
be filed within
three months.

(a) See Nos. 2036, 2040, 2043, 2046, 2067, 2078.

(b) See Nos. 1148, 1999, 2001, 2014, 2020, 2022, 2023, 2026, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2059, 2060, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

No. 2062.—AN ACT explanatory of the resolution entitled "A resolution for the relief of settlers upon the Absentee Shawnee lands in Kansas," approved April seventh, eighteen hundred and sixty-nine.

Jan. 11, 1875.
Vol. 18, p. 295.

Whereas several tracts of land ceded to the Shawnee Indians by the treaty concluded between them and the United States which was proclaimed November second, eighteen hundred and fifty-four, were erroneously set apart and allotted to various individuals of the Shawnee tribe of Indians, and which said allotments were subsequently canceled, and therefore form a part of the residuum of the land which by the treaty aforesaid was to be set apart for the Absentee Shawnees: Therefore,

Preamble.

Be it enacted, &c., That the terms of the resolution approved seventh April, eighteen hundred and sixty-nine, for the relief of the settlers upon the Absentee Shawnee lands in Kansas, (a) should be extended to those settlers who now occupy and have improved tracts of land known and described as the east half of the northeast quarter and the southwest quarter of the northeast quarter of section twenty-nine, in township twelve, of range twenty-three east, of the sixth principal meridian; the south half of the southwest quarter of section five; the south half of the southwest quarter, the north half of the southwest quarter, and the northwest quarter of section eight, in township thirteen of range twenty-two east, of the sixth principal meridian; all located in the State of Kansas, within the boundaries of the tract ceded to the Shawnees by the treaty proclaimed on the second November, eighteen hundred and fifty-four. (b)

Resolution of
April 7, 1869, ex-
tended to certain
settlers on Ab-
sentee Shawnee
lands.

(a) See No. 2035.

(b) See Nos. 1148, 1999, 2001, 2014, 2020, 2022, 2023, 2026, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2059, 2060, 2061, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

No. 2063.—AN ACT to exclude the States of Missouri and Kansas from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United States" approved May tenth eighteen hundred and seventy-two.

May 5, 1876.
Vol. 19, p. 52.

[See MISSOURI, No. 1148.]

No. 2064.—AN ACT providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale.

July 5, 1876.
Vol. 19, p. 74.

Whereas, the Secretary of the Interior, in pursuance of an act approved May eighth, eighteen hundred and seventy-two, has caused to be appraised the lands heretofore owned by the Kansas tribe of Indians,

Preamble.

is the State of Kansas, which by the terms of the treaty made by the United States and said Indians, and proclaimed November seventeenth, eighteen hundred and sixty, (a) were to be sold for the benefit of said Indians; which appraisalment also includes all improvements on the same, and the value of said improvements; distinguishing between improvements made by members of said Indian tribe, the United States, and white settlers; and

Whereas the appraisalment thus made was so high that neither settlers nor purchasers were able to pay the same, and the said land has remained unsold from the passage of the act; Therefore,

Bona-fide settlers on Kansas Indian lands may make payment for their lands.

Be it enacted, &c., That each bona-fide settler on any of the trust-lands embraced in said act, heretofore reported as such by the commissioners appointed to make said appraisalment, and the rejected claimants as bona-fide settlers, who were recommended as such by Andrew C. Williams, acting under instructions to Superintendent Hoag, from the Indian Office, dated October, twenty-fourth, eighteen hundred and seventy-two, be permitted to make payment of the appraised value of their lands to the local land office at Topeka, Kansas, under such rules as the Commissioner of the General Land Office may adopt, in six equal annual instalments; the first instalment payable on the first of January, eighteen hundred and seventy-seven, and the remaining instalments payable annually from that time, and drawing interest at six per centum per annum until paid: *Provided* That where there is timber on any of the lands to be sold under the provisions of this act, the Secretary of the Interior shall require the purchaser to enter into bond, with approved security, that he shall commit no waste on the timber, or otherwise on said land until the last payment is made.

When payable.

Proviso: no waste on timber lands.

Remainder of trust-lands subject to entry by actual settlers.

SEC. 2. That all the remainder of the trust-lands and of the undisposed portion of the diminished reserve shall be subject to entry at the local land office at Topeka, Kansas, in tracts not exceeding one hundred and sixty acres, unless a legal subdivision of a section shall be fractional and found to contain a greater number of acres, only by actual settlers, under such rules and regulations as the Commissioner of the General Land Office may prescribe. And the parties making such entries shall be required to make payment of the appraised value of the land entered and occupied by each, in the following manner: One-sixth at the time that the entry is made, and the remainder in five equal annual payments, drawing interest at six per centum per annum, and the Secretary of the Interior shall withhold title until the last payment is made; and the Secretary of the Interior, where there is timber on the lands, shall, in addition, compel the purchaser to enter into bond, with approved security, to commit no waste by the destruction of timber or otherwise, on the premises, until final payment has been made; and the Secretary of the Interior shall cause patents in fee-simple to be issued to all parties who shall complete purchases under the provisions of this act: *Provided*, That if any person or persons applying to purchase land under the provisions of this act shall fail to make payment or to perform any other conditions required by the provisions of this act, or by rules and regulations that may be prescribed in the execution hereof, within ninety days after such payment shall become due, or performance be required by the terms hereof, or by the rules and regulations which may be prescribed in the execution hereof, such person or persons shall forfeit all rights under the provisions of this act, and all claim or right to reimbursement or compensation for previous action or payment by said person or persons under the provisions hereof; and the land proposed to be purchased by such person or persons shall again be subject to sale as though no action had been had in regard to the same. (b)

How payment to be made.

Bond to be taken where land is timbered.

Failure to make payment.

Re-appraisalment, when, &c.

Expense of, deducted.

Testimony on part of settlers and purchasers, how taken and forwarded.

SEC. 3. That the Secretary of the Interior shall inquire into the correctness of the appraisalment of these lands; and if he be satisfied that they have been appraised at more than their present cash value, he may appoint a new commission of three persons to re-appraise the same; the per diem and expenses of which, at the rates heretofore paid to such commissioners, shall be deducted from the proceeds of said lands.

SEC. 4. That in preparing or giving their testimony, all settlers or purchasers of land under the provisions of this act may have such testimony taken, after due and legal notice to the opposing party in interest, before any notary public or person qualified to administer an oath, and may forward such testimony with their application to the land offices or parties authorized to dispose of said lands, which testimony shall be received as if taken before the officers of such land office.

SEC. 5. That the net proceeds arising from such sales, after defraying the expenses of appraisalment and sale, which have heretofore or may hereafter be incurred, and also the outstanding indebtedness, principal and interest, of said Kansas tribe of Indians, which has heretofore been incurred under treaty stipulations, shall belong to said tribe in common, and may be used by the Commissioner of Indian Affairs, under direction of the President of the United States, in providing and improving for them new homes in the Indian Territory, and in subsisting them until they become self-sustaining; and the residue, not so required, shall be placed to their credit on the books of the Treasury, and bear interest at the rate of five per centum per annum, and be held as a fund for their civilization, the interest of which, and the principal, when deemed necessary by the President of the United States, may be used for such purpose: *Provided*, That no proceedings shall be taken under this act until the said Kansas Indians shall file their assent thereto with the Secretary of the Interior.

(a) See Nos. 2013, 2045, 2059, 2076.

(b) See Nos. 1146, 1999, 2001, 2014, 2020, 2022, 2023, 2025, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2067, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

No. 2065.—AN ACT to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress approved March third, eighteen hundred and sixty-three.

July 24, 1876.
Vol. 19, p. 101.

Be it enacted, &c., That all lands which were granted by act of Congress approved March third, eighteen hundred and sixty-three, to the State of Kansas to aid in the construction of a railroad, commencing at Leavenworth, Kansas, and running, by way of the town of Lawrence and the Ohio City crossing of the Osage River, to the southern line of the State, in the direction of Galveston Bay, in Texas, with a branch from Lawrence, by the valley of the Wakarusa River, to a point on the Atchison, Topeka, and Santa Fe Railroad, where said road intersects the Neosho River, and which have not been patented to said railroad company by the United States under said grant or earned by the completion of said road and to which said company are not lawfully entitled, are hereby declared forfeited to the United States, and shall hereafter be subject to entry only under the provisions of the homestead laws of the United States. (a)

(a) See Nos. 2011, 2014, 2015, 2016, 2018, 2019, 2020, 2022, 2023, 2024, 2027, 2029, 2031, 2033, 2034, 2044, 2057, 2070, 2075.

No. 2066.—AN ACT making appropriations, &c.

July 31, 1876.
Vol. 19, p. 121.

[Office of surveyor-general of Kansas, when to be abolished. See OHIO, No. 189.]

No. 2067.—AN ACT providing for the sale of the Osage ceded lands in Kansas to actual settlers.

Aug. 11, 1876.
Vol. 19, p. 197.

Be it enacted, &c., That any bona-fide settler, residing at the time of completing his or her entry, as hereinafter provided, upon any portion of the lands sold to the United States, by virtue of the first article of the treaty concluded between the United States and the Great and Little Osage tribe of Indians September twenty-ninth, eighteen hundred and sixty-five, and proclaimed January twenty-first, eighteen hundred and sixty-seven, (a) who is a citizen of the United States, or shall have declared his intention to become a citizen of the United States, shall be, and hereby is, entitled to purchase the same, in quantity not to exceed one hundred and sixty acres, at the price of one dollar and twenty-five cents per acre, within one year from the passage of this act, under such rules and regulations as may be prescribed by the Secretary of the Interior, and on the terms hereinafter provided: *Provided*, That no bona-fide settler as aforesaid on said land shall be denied the right to purchase land under the provisions of this act on the ground that he or she may heretofore have had the benefit of the homestead or preemption laws of the United States.

Bona-fide settlers on Osage lands in Kansas may purchase same.

Quantity and price.

Proviso.

SEC. 2. That any person who is a citizen of the United States, or has declared his intention to become such, who in good faith had purchased any portion of said land from either the Leavenworth, Lawrence and Galveston Railroad Company, or the Missouri, Kansas and Texas Railroad Company, prior to the commencement of the two suits in the name

Purchasers in good faith from certain railways declared entitled to purchase land.

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| Proofs required. | of the United States against said companies, in the circuit court of the United States for the district of Kansas, to test the legality of title of said railroad companies to said lands, or portions thereof, to wit: before the twenty-fifth day of February, anno Domini eighteen hundred and seventy-four, and shall prove to the satisfaction of the register and the receiver of the proper land office that he or she has, in good faith, before the date last aforesaid, paid said railroad companies, or either of them, the consideration money, or a portion thereof, and also that he or she has in good faith made lasting and valuable improvements thereon, shall be, and hereby is declared to be entitled to purchase said |
| Quantity and price. | lands, not exceeding one hundred and sixty acres, to include his or her improvements, on the same terms and conditions that actual settlers are authorized by this act to purchase said lands; that the rights of the said purchasers from said railroad companies shall attach at the date of the payment aforesaid made to said railroads or either of them: |
| Proviso. | <i>Provided</i> , That the said improvements are made before the date last aforesaid: <i>And provided further</i> , That said claimant actually resides on the land at the time of completing his or her entry thereof at the proper land office: <i>Provided further</i> , That the heirs of any deceased purchaser from said railroads shall have the same right to purchase the said lands so purchased from the said railroads as the original purchaser would have had, had he lived. |
| Proviso. | |
| Proviso. | |
| Terms of purchase. | SEC. 3. That the parties desiring to make entries under the provisions of this act who will, within twelve months after the passage of the same |
| Price. | make payment at the rate of one dollar and twenty-five cents per acre, for the land claimed by said purchaser, under such rules and regulations as the Commissioner of the General Land Office may prescribe, as follows, that is to say; said purchaser shall pay for the land he or she is |
| Terms of payment. | entitled to purchase one-fourth of the price of the land at the time the entry is made, and the remainder in three annual payments, drawing interest at the rate of five per centum per annum, which payment shall be secured by notes of said purchaser, payable to the United States; and the Secretary of the Interior shall withhold title until the last payment is made; and the Secretary of the Interior shall cause patents to issue to all parties who shall complete their purchases under the provisions of this act; and if any claimant fails to complete his or her entry at the |
| Title after last payment. | proper land office within twelve months from the passage of this act, he or she shall forfeit all right to the land by him or her so claimed, except in cases where the land is in contest: <i>Provided further</i> , That nothing in this act shall be construed to prevent any purchaser of said land from making payment at any time of the whole or any portion of the purchase money. |
| Forfeiture on failure to complete purchase. | |
| Proviso. | |
| Laws in relation to town sites made applicable to Osage lands. | SEC. 4. That the laws of the United States in relation to the pre-emption of town sites shall apply to the tract of land first above described, except that the declaratory statement provided by existing laws in such cases shall be filed with the register of the proper land office within sixty days after the passage of this act, and the occupants of town sites shall not be allowed to purchase more than three hundred |
| Size of town sites. | and twenty acres actually occupied as a town site, except in case where town-site companies have purchased all claim of title of the original settlers, and all titles claimed by any railroad company, in which case said town-site company, by its proper agent, shall have the same right to enter said lands that the original settlers would have had, not exceeding in amount eight hundred acres, and shall pay therefor the sum of one dollar and twenty-five cents per acre, in the same manner as actual occupants are required to pay. |
| Price per acre. | |
| Prior lawful entries reinstated. | SEC. 5. That all lawful entries heretofore made of any of said lands, and set aside or canceled by the Secretary of the Interior, on the ground that the said railroads had a prior grant of said lands, be reinstated by the said Secretary of the Interior, subject to any valid adverse claim that may have accrued before or since such sale or cancellation. |
| Declaratory statements where and when filed. | SEC. 6. That all declaratory statements made by persons desiring to purchase any portion of said land under the provisions of this act, shall be filed with the register of the proper land office within sixty days after the passage of the same: <i>Provided, however</i> , That those who may settle on said land after the passage of this act shall file their declaratory statement within twenty days after settlement, and complete their purchase under the provisions of this act within one year thereafter. |
| Proviso. | |

SEC. 7. That nothing in this act shall be so construed as to prevent said land from being taxed under the laws of the State of Kansas, as other lands are or may be taxed in said State, from and after the time the first payment is made on said land, according to the provisions of this act. Right of Kan-
sas to tax.

SEC. 8. That the said railroads or either of them shall have the right to purchase such subdivisions of land as are located outside of the right of way, heretofore granted to them, and which were occupied by them on said tenth day of April, eighteen hundred and seventy-six, for stock-yards, storage-houses, or any other purposes legitimately connected with the operation and business of said roads, whenever the same does not conflict with a settler who in good faith made a settlement prior to the occupation of said lands by said railroad company or companies, in the same manner and at the same price settlers are authorized to purchase under the provisions of this act. Railways to
have right to pur-
chase certain
land.

(a) See Nos. 2036, 2040, 2043, 2046, 2061, 2078.

(b) See Nos. 1148, 1999, 2001, 2014, 2020, 2022, 2023, 2026, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2068, 2069, 2073, 2076, 2078, 2079, 2080.

No. 2068.—AN ACT to provide for the sale of a portion of the reservation of the confederated Ojibwa and Missouri and the Sac and Fox of the Missouri tribes of Indians in the States of Kansas and Nebraska.

Aug. 15, 1876.
Vol. 19, p. 208.

[See NEBRASKA, No. 2128.]

No. 2069.—AN ACT to provide for the sale of certain lands in Kansas.

Feb. 28, 1877.
Vol. 19, p. 265.

Whereas, certain lands in the State of Kansas, known as the Cherokee strip, being a strip of land on the southern boundary of Kansas, some two or three miles wide, detached from the lands patented to the Cherokee nation by the act known as the Kansas-Nebraska bill, in defining the boundaries thereof, said lands still being, so far as unsold, the property of the Cherokee nation; and

Whereas an act was passed by the Forty-second Congress, which became a law on its acceptance by the Cherokee national authorities, and which fixed the price of the lands east of Arkansas River at two dollars per acre, and west of said river at one dollar and fifty cents per acre; and

Whereas portions of the same have been sold under said law, and portions remain unsold, the price being too high (a): Therefore,

Be it enacted, *etc.*, That the Secretary shall offer for sale to settlers all of said tract remaining unsold at the passage of this act at the local land offices in the districts in which it is situated, at one dollar and twenty-five cents per acre; and all of said lands remaining unsold after one year from the date at which they are so offered for sale at the local land offices shall be sold by the Secretary of the Interior for cash, in quantities or tracts not exceeding one hundred and sixty acres, at not less than one dollar per acre. (b)

Cherokee strip,
residue to be sold.
Terms.

SEC. 2. That the proceeds of said lands shall be paid into the Treasury of the United States, and placed to the credit of the Cherokee nation, and shall be paid to the treasurer of the Cherokee nation, on the order of the legislative council of the Cherokee nation.

Proceeds; how
disposed of.

SEC. 3. That this act shall take effect and be in force from the date of its acceptance by the legislature of the Cherokee nation, who shall file certificate of such acceptance.

When this act
to be in force.

(a) See Nos. 2047, 2056.

(b) See Nos. 1148, 1999, 2001, 2014, 2020, 2022, 2023, 2026, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2073, 2076, 2078, 2079, 2080.

No. 2070.—AN ACT to secure the rights of settlers upon certain railroad lands, and to repeal the first five sections of an act entitled "An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River," approved July twenty-fifth, eighteen hundred and sixty-six.

March 3, 1877.
Vol. 19, p. 404.

Be it enacted, *etc.*, That sections one, two, three, four, and five of the act entitled "An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River," approved July twenty-fifth, eighteen hundred and sixty-six, be, and the same are hereby, repealed.

Repeal.

Patents not to be issued for lands withdrawn under sections repealed.

Lands withdrawn to be restored to market, when, &c.

Reconveyance by railroad company of lands and proceeds.

Contracts to be canceled.

Acceptance of this act by railroad company.

Time of reconveyance and repayment.

SEC. 2. That the Secretary of the Interior is hereby instructed to issue no more patents to said railroad company for the lands withdrawn from market, in consequence of the enactment of the sections of said act hereby repealed, and to withhold from delivery any patents not yet delivered for the same.

SEC. 3. That upon said Kansas and Neosho Valley Railroad Company, its successor or successors or assigns, filing with the Secretary of the Interior its acceptance of the terms, conditions, and impositions of this act, as hereinafter provided, and its execution and delivery of the deeds hereinafter specified, all of said lands so withdrawn and undisposed of shall be restored to market, by proclamation of the President of the United States, and opened to settlement and purchase under the homestead laws of the United States only.

SEC. 4. That said railroad company, its successor or assigns, shall reconvey, by deed or deeds duly executed, all unsold lands patented to it, in pursuance of the sections hereby repealed, and shall pay into the Treasury of the United States the proceeds of all such lands sold and conveyed prior to the passage of this act; and that if said company shall have any uncompleted contracts for the sale of any portion of such lands, the same shall be forthwith canceled, if the contracting party or parties consent thereto in writing filed with the Secretary of the Interior; and if any portion of the purchase money has been paid thereon, the same shall be refunded to the contracting party or parties.

SEC. 5. That the acceptance of said company, or its successor or assigns, of the terms, conditions, and impositions of this act, shall be signified in writing, under the corporate seal of said company, duly executed, pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within ninety days from the passage of this act. And the deed or deeds hereinbefore referred to shall be executed and delivered within six months from the passage of this act, and both deeds and acceptance shall be deposited with the Secretary of the Interior. And the payment of the money, and the cancellation of the contracts hereinbefore specified, shall also be made within a like period of six months from the date of the approval of this act. (a)

(a) See Nos. 2011, 2014, 2015, 2016, 2018, 2019, 2020, 2022, 2023, 2024, 2027, 2029, 2031, 2033, 2034, 2044, 2057, 2065, 2075.

April 17, 1878.
Vol. 20, p. 36.

NO. 2071.—AN ACT to amend an act entitled "An act to provide for the sale of certain New York Indian lands in Kansas," approved February nineteenth, eighteen hundred and seventy-three.

Indian settlers on New York Indian lands in Kansas; time extended.

Be it enacted, &c., That the period within which the thirty-two Indians referred to in the act to which this is an amendment, or their heirs, are required to prove their identity in order to entitle them to the benefits of said act, be, and the same is hereby, extended for two years from the nineteenth day of February, eighteen hundred and seventy-eight. (a)

(a) See Nos. 2053, 2060.

June 14, 1878.
Vol. 20, p. 542.

NO. 2072.—AN ACT to legalize certain patents issued to members of the Pottawatomie tribe of Indians.

Pottawatomie Indians.
Patent to, confirmed.

Be it enacted, &c., That the patents issued April fifteenth, eighteen hundred and seventy-one, to certain Pottawatomie Indians in the State of Kansas, under the third article of the treaty between the United States and the Pottawatomie tribe of Indians, of November fifteenth, eighteen hundred and sixty-one, and the sixth and eighth articles of the treaty between the United States and said tribe of Indians, concluded February twenty-seventh, eighteen hundred and sixty-seven, be, and the same are hereby declared to be, valid and in full force and effect to the same extent as they would have been had said patentees become naturalized citizens of the United States prior to the issuing of said patents: *Provided*, That this act shall only apply to patents for lands for which conveyances have been made in good faith by the patentees subsequent to the issuing of their patents.

Proviso.

- No. 2073.**—AN ACT to amend an act to provide for the sale of a portion of the reservation of the confederated Otoe and Missouri and the Sac and Fox of the Missouri tribes of Indians in the States of Kansas and Nebraska. March 3, 1879.
Vol. 20, p. 471.

[See NEBRASKA, No. 2131.]

- No. 2074.**—JOINT RESOLUTION instructing the Attorney-General of the United States to bring suit in the name of the United States to quiet and settle the titles to lands of the Black Bob band of Shawnee Indians. March 3, 1879.
Vol. 20, p. 488.

Be it resolved, &c., That the Attorney-General of the United States shall be, and he is hereby, instructed to cause a suit in equity to be brought in the name of the United States in the circuit court for the district of Kansas, to quiet and finally settle the titles to the lands claimed by or under the Black Bob band of Shawnee Indians in Kansas, or adversely to said titles. Black Bob
Shawnee In-
dians.

All persons having any claim to said lands, or any part thereof, as well as said band of Indians, shall be made parties to said suit, either personally or by representation, as said court may deem convenient, consistently with justice to all the interests involved, and notice of the institution and pendency of said suit and for the appearance of the parties thereto shall be given, either by personal service or by such publication as the court shall order, or both. It shall be the duty of the Attorney-General to cause the rights of said band of Indians, and of the individual members thereof, to be duly presented and protected in said suit, and he shall employ counsel to aid in such protection; and any other claimants to said lands, or any part thereof, may appear in said cause, personally or by counsel, to defend the same and assert their rights; and said court shall, upon proof and hearing, proceed to determine, according to the principles of law and equity, all the questions arising in respect to said lands, or any thereof, and decree accordingly, and cause such decree to be carried into execution, and the possession of the lands, or parts thereof, respectively, to be delivered to the person entitled thereto; and upon a final decision of the said matters, it shall be the duty of the President of the United States to issue patents for said lands in conformity to such decision. No objection shall be allowed in said suit in respect of want or misjoinder of parties other than such as are required in this act, or for multifariousness or want of form. The right of appeal to the Supreme Court of the United States shall exist as in other cases. (a)

(a) See No. 2039.

- No. 2075.**—AN ACT to create an auditor of railroad accounts and for other purposes. June 19, 1878.
Vol. 20, p. 169.

[See NEBRASKA, No. 2130.]

- No. 2076.**—AN ACT for the relief of certain actual settlers on the Kansas trust and diminished-reserve lands in the State of Kansas. March 16, 1880.
Vol. 21, p. 68.

Be it enacted, &c., That the persons included in the provisions of section one of the act approved July five, eighteen hundred and seventy-six entitled, "An act providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale," (a) or the heirs, legal representatives and assigns of said persons, shall be permitted to complete the payment for the lands to which they are entitled under said act, at the newly appraised value as ascertained and approved by the Secretary of the Interior, under section three of said act, and in completing such payment credit shall be given for all sums heretofore paid as principal and interest, which sums shall be considered as constituting one instalment upon the present appraised value at the date when the last payment thereof was made; and the balance shall be paid in three equal instalments, the first to be paid on or before the first day of January eighteen hundred and eighty-one, and the remaining instalments shall be payable annually from the date of the first; each instalment to draw interest at the rate of six per centum per annum, from the date when the last payment heretofore made, was received by the district office: *Provided*, That if any of said persons have failed to make payment heretofore of any portion of the purchase money, as required under the act afore- Settlers to com-
plete payments at
new appraisement.

Terms of pay-
ment.

Proviso.
Parties in ar-
rears.

- said, or the act of June twenty-third, eighteen hundred and seventy-four, relating to these lands, such persons, their heirs, legal representatives or assigns, being in possession thereof shall be required, prior to the first day of January eighteen hundred and eighty-one, to make entry and pay for their respective claims in three equal instalments, the first on the day of entry and the remaining instalments annually from that date and drawing interest at the rate of six per centum per annum until paid; bond being required in case of timbered lands to prevent waste as in section one of said act; and where such persons their heirs legal representatives or assigns are not in possession of said lands then the same may be entered as others of the said Kansas Indian lands, by actual settlers only. (b)
- Interest.** SEC. 2. That all persons who have made entries under section two of the act of June twenty-third, eighteen hundred and seventy-four, relating to these lands, may complete their payments upon such entries at the newly appraised value thereof in the same manner and upon the same terms, credits, and limitations as are provided in section one of this act.
- Above provisions extended.** SEC. 3. That the terms of the proviso of section two of the act of July fifth, eighteen hundred and seventy-six, relating to default and forfeiture shall extend to all entries and requirements under the provisions of this act.
- Default and forfeiture.** SEC. 4. Actual settlement on any of said lands shall be regarded as sufficient in all cases where the claimant actually resides on contiguous land to which he holds the legal title, and has heretofore cultivated and made valuable improvements on his adjoining claim, in good faith, for the purpose of a home for himself: *Provided*, Said claimant shall in all other respects comply with the law and the regulations issued thereunder by the General Land Office.
- Actual settlement sufficient.**

(a) See Nos. 2013, 2045, 2050, 2064.

(b) See Nos. 1148, 1999, 2001, 2014, 2020, 2022, 2023, 2036, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2078, 2079, 2080.

May 24, 1880.
Vol. 21, p. 141.

No. 2077.—AN ACT to create an additional land district in the State of Kansas.

Northern land district established.

Be it enacted, f.c., That all that portion of the Northwestern land district in the State of Kansas, lying and being situated west of the third guide meridian west of the sixth principal meridian, be, and hereby is, constituted a new land district, to be called the Northern land district.

Register and receiver to be appointed.

SEC. 2. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and a receiver for said district, who shall discharge like and similar duties, and receive the same amount of compensation allowed to other officers discharging like duties in the other land offices of said State. (a)

(a) See Nos. 1999, 2001, 2037, 2038, 2048, 2058.

May 28, 1880.
Vol. 21, p. 143.

No. 2078.—AN ACT for the relief of settlers upon the Osage trust and diminished-reserve lands in Kansas, and for other purposes.

Actual settlers allowed 60 days to make proof and pay first instalment.

Be it enacted, f.c., That all actual settlers under existing laws upon the Osage Indian trust and diminished-reserve lands in Kansas (a) (any failure to comply with such existing laws notwithstanding) shall be allowed sixty days after a day to be fixed by public notice by advertisement in two newspapers in each of the proper land districts, which day shall not be later than ninety days after the passage of this act, within which to make proof of their claims, and to pay one-fourth the purchase price thereof, and the said parties shall pay the balance of said purchase price in three equal annual installments thereafter: *Provided*, That nothing herein contained shall be construed to prevent an earlier payment of the whole or any installment of said purchase money as aforesaid.

Payment of balance. Proviso.

Default to work forfeiture.

And if default be made by any settler in the payment of any portion or installment at the time it becomes due under the foregoing provisions, his entire claim, and any money he may have paid thereon, shall be forfeited, and the land shall, after proper notice, be offered for sale according to the terms hereinafter prescribed, unless before the day fixed for

such offering, the whole amount of purchase money shall be paid by said claimant, so as to entitle him to receive his patent for the tract embracing his claim.

SEC. 2. That all the said Indian lands remaining unsold and unappropriated and not embraced in the claims provided for in section one of this act, shall be subject to disposal to actual settlers only, having the qualifications of pre-emptors on the public lands. Such settlers shall make due application to the register with proof of settlement and qualifications as aforesaid; and, upon payment of not less than one-fourth the purchase price shall be permitted to enter not exceeding one quarter-section each, the balance to be paid in three equal installments, with like penalties, liabilities and restrictions as to default and forfeiture as provided in section one of this act.

Balance of lands to be sold to actual settlers only.

Terms.

SEC. 3. All lands upon which such default has continued for ninety days shall be placed upon a list, and the Secretary of the Interior shall cause the same to be duly proclaimed for sale in the manner prescribed for the offering of the public lands, but not exceeding one quarter-section shall be sold to any one purchaser, at a price not less than the price fixed by law, but such lands, upon which such default shall be made, shall be offered for sale by advertisement of not less than thirty days in two newspapers in the proper land districts respectively and unless the purchase price be fully paid before the day named in the notice, shall be sold for cash to the highest bidder at not less than the price fixed by law. And all such lands, subject to unpaid overdue installments, shall be so offered once every year. And if any of said lands shall remain unsold after the offering as aforesaid, they shall be subject to private entry, for cash in tracts not exceeding one quarter-section by one purchaser. (b)

Lands forfeited to be offered at public sale.

Conditions of offering.

SEC. 4. After the payment of the first installment as hereinafter provided for, such lands shall be subject to taxation according to the laws of the State of Kansas, as other lands are or may be in said State: *Provided*, That no sale of any such lands for taxes shall operate to deprive the United States, of said lands, or any part of the purchase price thereof, but if default be made in any installment of the purchase price as aforesaid, such tax-sale purchaser, or his or her legal representatives, may, upon the day fixed for the public sale, and after such default has become final, under the foregoing provisions, pay so much of said purchase price as may remain unpaid, and shall thereupon be entitled to receive a patent for the same as though he had made due settlement thereon: *And provided further*, That nothing in this act shall be so construed as to deprive or impair the right of the settler, of the right of redemption under the revenue laws of the State of Kansas.

Lands subject to taxation after payment of first installment. Proviso.

SEC. 5. That the register and the receiver shall be allowed the same fees and commissions as are allowed by law for the disposal of the public lands, and the net proceeds of the sales and disposals after deducting the expenses of such disposals, shall be deposited to the credit of the proper Indian fund, as provided by existing laws; and the Secretary of the Interior shall make all rules and regulations necessary to carry into effect the provisions of this act.

Fees and commissions of land officers.

SEC. 6. That nothing in this act shall be construed to interfere in any manner with the operation of the town-site laws as applicable to these lands: *Provided*, That all claims for entry under said statutes shall be proved up and fully paid for, before the day fixed for the commencement of the public sales provided for in section three of this act.

Town-site laws applicable.

SEC. 7. In all cases arising under this act interest at the rate of five per cent per annum shall be computed and paid upon all that part of the purchase money in respect to which time is given for the payment of the same.

Interest.

(a) See Nos. 2036, 2040, 2043, 2046, 2061, 2067.

(b) See Nos. 1148, 1999, 2001, 2014, 2020, 2022, 2023, 2026, 2030, 2036, 2040, 2042, 2043, 2045, 2046, 2047, 2049, 2050, 2051, 2053, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2069, 2073, 2076, 2079, 2080.

No. 2079.—AN ACT for the relief of certain homestead and pre-emption settlers in Kansas and Nebraska.

June 4, 1880.
Vol. 21, p. —.

Be it enacted, f.c., That it shall be lawful for homestead and pre-emption settlers on the public lands, or pre-emption settlers upon Indian reservations, in the States of Kansas and Nebraska west of the sixth principal meridian where there has been a loss or failure of crops, from unavoidable cause, in the year of eighteen hundred and seventy-nine, destroyed may be

Homestead and pre-emption claimants whose crops are destroyed may be

absent from their or eighteen hundred and eighty, to leave and be absent from said lands until the first day of October, eighteen hundred and eighty-one under such rules and regulations as to proof and notice as the Commissioner of the General Land Office may prescribe; and during said absence no adverse rights shall attach to said lands, such settlers being allowed to resume and perfect their settlement as though no such absence had occurred.

Time for proof and payment extended. SEC. 2. That the time for making final proof and payment by such pre-emptors is hereby extended for one year after the expiration of the term of absence provided for in the first section of this act; but in cases where the purchase money is by law payable in installments, the first unpaid installment shall be held not to be due until one year after the expiration of the leave of absence aforesaid. (a)

(a) See Nos. 1148, 1999, 3001, 3014, 3020, 3022, 3023, 3026, 3030, 3036, 3040, 3042, 3043, 3045, 3046, 3047, 3049, 3050, 3051, 3053, 3055, 3056, 3059, 3060, 3061, 3062, 3063, 3064, 3067, 3068, 3069, 3073, 3076, 3078, 3080.

June 15, 1880.
Vol. 21, p. 198.

No. 2080.—AN ACT to provide for the disposal of the Fort Harker military reservation.

Fort Harker reservation.

Be it enacted, &c., That the Secretary of War is hereby authorized to turn over to the Secretary of the Interior the Fort Harker military reservation in Kansas for sale, as hereinafter provided.

To be appraised and sold as public lands

SEC. 2. The Secretary of the Interior shall cause said reservation to be appraised as early as practicable, in tracts not exceeding one hundred and sixty acres each, by three competent disinterested persons, who shall be appointed by the Secretary of the Interior, and who shall make said appraisal under oath, and upon the approval of such appraisal by the Secretary, he shall offer said reservation for sale by giving such notice as is now required for the sale of public lands. The persons who may have at the date of the passage of this act settled upon and improved said lands, shall have the prior right to purchase the lands so settled upon at the appraised value thereof, not to exceed one hundred and sixty acres, except in the case of a fractional quarter-section to each person, and shall have such reasonable time in which to make payment therefor as the Secretary of the Interior may prescribe. Such portion of said reservation as shall not have been settled upon and improved at the date of the passage of this act shall be sold by the Secretary of the Interior to actual settlers, under such regulations as he may prescribe: *Provided*, That no land shall be sold under the provisions of this act for less than one dollar and a quarter per acre nor at a less price than the appraisal thereof. All sales of land herein provided for shall be made as nearly as practicable under the rules and regulations now existing for disposing of the public lands of the United States. (a)

Prior right of actual settlers.

Proviso.

(a) See Nos. 1148, 1999, 3001, 3014, 3020, 3022, 3023, 3026, 3030, 3036, 3040, 3042, 3043, 3045, 3046, 3047, 3049, 3050, 3051, 3053, 3055, 3056, 3059, 3060, 3061, 3062, 3063, 3064, 3067, 3068, 3069, 3073, 3076, 3078, 3079.

June 16, 1880.
Vol. 21, p. 310.

No. 2081.—JOINT RESOLUTION authorizing the Secretary of the Interior to certify school lands to the State of Kansas.

Preamble.

Whereas, the United States has sold and disposed of sections sixteen and thirty-six in certain Indian reservations embraced within the territorial limits of the State of Kansas, in pursuance of treaty obligations; and

Whereas the State of Kansas, in pursuance of a decision of the General Land Office, dated August fourteenth, eighteen hundred and seventy-seven, has selected for school purposes other equivalent lands in lieu of such sections sixteen and thirty-six, disposed of as aforesaid: Therefore,

Selections of indemnity school lands confirmed.

Resolved, &c., That the lands so selected by the State of Kansas be, and the same are hereby, confirmed to said State; and the Secretary of the Interior be, and hereby is, authorized to certify the same to said State, in lieu of sections sixteen and thirty-six, sold and disposed of by the United States, within the limits of any former Indian reservation as aforesaid. (a)

(a) See Nos. 1856, 1998, 3002, 3003, 3008, 3036, 3040, 3046.

NEBRASKA.

No. 2082.—AN ACT to organize the Territories of Nebraska and Kansas.

May 30, 1854.
Vol. 10, p. 277.

Be it enacted, &c., That all that part of the territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: beginning at a point in the Missouri River where the fortieth parallel of north latitude crosses the same; thence west on said parallel to the east boundary of the Territory of Utah, on the summit of the Rocky Mountains; thence on said summit northward to the forty-ninth parallel of north latitude; thence east on said parallel to the western boundary of the Territory of Minnesota; thence southward on said boundary to the Missouri River; thence down the main channel of said river to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Nebraska; and when admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission: *Provided*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States: *Provided further*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Nebraska, until said tribe shall signify their assent to the President of the United States to be included within the said Territory of Nebraska, or to affect the authority of the Government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the Government to make if this act had never passed. (a)

Temporary government for Territory of Nebraska established. Boundaries.

Admitted as a State or States with or without slavery. Power to divide said Territory, or to attach portion of it to a State or Territory, reserved.

Proviso. Rights of Indians in said Territory not impaired.

United States retain their present authority over said Indians.

SEC. 16. And be it further enacted, That when the lands in the said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same. (b)

Reservation for schools.

(a) See Nos. 2091, 2095, 2102, 2103, 2114.
(b) See Nos. 1856, 2066, 2068, 2069, 2095, 2125, 2133.

No. 2083.—AN ACT to establish the office of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes.

July 22, 1854.
Vol. 10, p. 308.

[See KANSAS, No. 1999.]

No. 2084.—AN ACT making appropriations, &c.

July 31, 1854.
Vol. 10, p. 315.

[Reservation of Omaha, Iowa, Otoe, &c., half-breeds, between the Grand and Little Nemaha rivers, to be surveyed and allotted in fee-simple. See MINNESOTA, No. 1843.]

March 3, 1857. **No. 2085.**—AN ACT to establish three additional land districts in the Territory of Nebraska.

Nemaha land district constituted.

South Platte River district constituted.

Dakota district constituted.

Officers for said districts.

Sales authorized in said districts.

Certain sales at Omaha City confirmed.

Be it enacted, &c., That all that portion of the Territory of Nebraska at present included in the Omaha district, which lies south of the line which divides townships six and seven north, extended from the Missouri River westward, shall constitute an additional district, to be called the "Nemaha land district;" all said Omaha district which is situated south of the south shore or right bank of the Platte River, and north of the said township line, between townships six and seven north, shall constitute an additional land district, to be called the "South Platte River land district;" and all that portion of said Omaha district which lies north of the south boundary of the "Omaha reserve," extended westward, being identical with the line which divides townships twenty-three and twenty-four north, shall constitute an additional land district, to be called the "Dakota land district;" the location of the offices for which shall be designated by the President of the United States, and shall by him, from time to time, be changed as the public interests may seem to require.

SEC. 2. *And be it further enacted,* That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof, and until the end of the next session of Congress after such appointment, a register and a receiver for each land district hereby created, who shall be required to reside at the site of their offices, have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties, which are or may be prescribed by law in relation to other land officers of the United States. (a)

SEC. 3. *And be it further enacted,* That the President is hereby authorized to cause the public lands in said districts, with the exception of such as may have been or may be reserved for other purposes, to be exposed to sale in the same manner and upon the same terms and conditions as other public lands of the United States: (b) *Provided,* That all sales and locations made at Omaha City of lands situated within the limits of the new districts hereby created, which shall be valid and right in other respects up to the day on which the new offices shall respectively, go into operation, be and the same are hereby confirmed.

(a) See Nos. 1999, 2063, 2109, 2119.

(b) See Nos. 1999, 2079, 2083, 2106, 2108, 2109, 2110, 2117, 2120, 2126, 2127, 2128, 2131, 2132.

March 3, 1857. **No. 2086.**—A RESOLUTION relative to sections sixteen and thirty-six, in the Territories of Minnesota, Kansas, and Nebraska.

[See MINNESOTA, No. 1856.]

June 12, 1858. **No. 2087.**—AN ACT making appropriation for sundry civil expenses of the Government for the year ending the thirtieth of June, eighteen hundred and fifty-nine.

Western boundary of half-breed tract under treaty with certain Indian tribes established.

SEC. 13. *And be it further enacted,* That the line surveyed by John C. McCoy, in eighteen hundred and thirty-eight, as the western boundary of the half-breed tract, specified in the tenth article of the treaty made between commissioners on the part of the United States, and certain Indian tribes at Prairie du Chien, on the fifteenth of July, eighteen hundred and thirty, be, and the same is hereby, established as the true western boundary of said tract. (a)

(a) See Nos. 2084, 2090.

Feb. 18, 1859. Vol. 11, p. 561.

Monroe D. Downs authorized to enter certain land.

Proviso.

No. 2088.—AN ACT for the relief of Monroe D. Downs.

Be it enacted, &c., That Monroe D. Downs be, and he is hereby, authorized to enter at the land office in Omaha City, in the Territory of Nebraska, by preemption, the east half of the southwest quarter, and the east half of the northwest quarter of section numbered thirty-six, of town fifteen north, of range twelve east, in said Territory, at the minimum price of one dollar and twenty-five cents per acre: *Provided,* The said Downs shall, within three months after the passage of this act, establish his right of preemption to said lands under existing laws, in every respect, except the filing of a declaration or notice of his preemption claim.

SEC. 2. *And be it further enacted*, That the superintendent of public instruction of Douglas County, Nebraska Territory, is hereby authorized to select any unclaimed and unoccupied quarter-section of land in said county in lieu of the lands mentioned in section one of this act; and it shall be his duty so to do as soon after the passage of this act as shall be practicable, and to file notice of such selection with the register of said land office; and after such selection and notice, said lands so selected shall be reserved from sale or preëmption, and shall be held for the benefit of schools, in lieu of the lands hereby authorized to be preëmpted by said Downs. (a)

(a) See Nos. 1856, 2082, 2086, 2089, 2095, 2125, 2133.

No. 2089.—AN ACT to protect the land fund for school purposes in Sarpy County, Nebraska Territory.

Feb. 26, 1859.
Vol. 11, p. 385.

Whereas by the treaty between the United States and the Omaha tribe of Indians, by which said Indian tribe ceded their lands in the Territory of Nebraska to the United States, a reservation was made of a part of section thirty-six, in town[ship] fourteen north, range thirteen east, for the Presbyterian Board of Foreign Missions; and whereas, by virtue of a joint resolution of Congress, approved March third, eighteen hundred and fifty-seven, a large portion of the remainder of said section thirty-six has been preëmpted, leaving but a fraction for the use of schools: Therefore,—

Preamble.

Be it enacted, &c., That the superintendent of common schools of the county of Sarpy, in which said land is situated, shall be, and [he] hereby is, authorized to select six hundred and forty acres of any unoccupied public lands in said county in subdivisions of not less than one quarter-section, in lieu of the aforesaid section thirty-six: *Provided*, That as soon as such selection shall be made it shall be the duty of such superintendent to file a notice thereof, with a description of the land selected, in the office of the register of the land office in the Omaha land district, who shall thereupon withdraw such land so selected from the list of lands subject to preëmption, or public or private sale in said land district, and shall report the fact to the United States Commissioner of Public Lands, and the land so selected shall, after such filing with the register, belong to the school fund of said county in all respects the same as other school lands; and the fraction of said section thirty-six remaining after satisfying the terms of said treaty, and after said preëptions as mentioned in the foregoing preamble, shall be subject to preëmption, public sale, or private entry, the same as other public lands. (a)

Superintendent of schools for Sarpy County, Nebraska Territory, may select public lands in lieu of lands preëmpted and reserved.
Proviso.

(a) See Nos. 1856, 2082, 2086, 2088, 2095, 2125, 2133.

No. 2090.—AN ACT giving the assent of Congress to a law of the Missouri legislature for the application of the reserved two per cent. land fund of said State.

Feb. 28, 1859.
Vol. 11, p. 401.

SEC. 6. *And be it further enacted*, That in adjusting the claims of half-breed Indians under the tenth article of the treaty of Prairie du Chien, of the fifteenth of July, eighteen hundred and thirty, lying within the Nemohaw reservation therein described, as surveyed by McCoy, and confirmed by section thirteen of the act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending the thirtieth of June, eighteen hundred and fifty-nine," approved June twelfth, eighteen hundred and fifty-eight, there shall be found a deficiency in the quantity of land necessary to carry out the intentions of said treaty, then there shall be retained out of the proceeds of that portion of the public lands excluded from said reservation, as said half-breeds claimed its boundaries by the McCoy survey and the thirteenth section of the said act of July twelfth, eighteen hundred and fifty-eight, so much money as shall equal that deficiency, estimating the same at one dollar and twenty-five cents per acre; which said sum of money shall be paid to the Secretary of the Interior, to be held by him in trust for such of said half-breeds as shall be found entitled to it, and by him be paid to them or invested for their benefit, as he shall think most judicious and proper, after the said mixed-bloods shall have relinquished to the United States all their interest in and to said deficiency in said reservation. (a)

Claims of half-breed Indians.

(a) See Nos. 2084, 2087.

March 2, 1861.
Vol. 12, p. 239.

No. 2091.—AN ACT to provide a temporary government for the Territory of Dakota, and to create the office of surveyor-general therein.

Portions of
Utah and Wash-
ington added to
Nebraska.

SEC. 21. *And be it further enacted*, That until Congress shall otherwise direct, that portion of the Territories of Utah and Washington between the forty-first and forty-third degrees of north latitude, and east of the thirty-third meridian of longitude west from Washington, shall be, and is hereby, incorporated into and made a part of the Territory of Nebraska. (a)

(a) See Nos. 2062, 2095, 2102, 2103, 2114.

July 1, 1862.
Vol. 13, p. 469.

No. 2092.—AN ACT to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes.

Pacific Rail-
road.
Corporators.

Be it enacted, &c., That Walter S. Burgess, William P. Blodget, Benjamin H. Cheever, Charles Fosdick Fletcher, of Rhode Island; Augustus Brewster, Henry P. Haven, Cornelius S. Bushnell, Henry Hammond, of Connecticut; Isaac Sherman, Dean Richmond, Royal Phelps, William H. Ferry, Henry A. Paddock, Lewis J. Stancliff, Charles A. Secor, Samuel R. Campbell, Alfred E. Tilton, John Anderson, Azariah Boody, John S. Kennedy, H. Carver, Joseph Field, Benjamin F. Camp, Orville W. Childs, Alexander J. Bergen, Ben. Holliday, D. N. Barney, S. De Witt Bloodgood, William H. Grant, Thomas W. Olcott, Samuel B. Ruggles, James B. Wilson, of New York; Ephraim Marsh, Charles M. Harker, of New Jersey; John Edgar Thompson, Benjamin Haywood, Joseph H. Scranton, Joseph Harrison, George W. Cass, John H. Bryant, Daniel J. Morell, Thomas M. Howe, William F. Johnson, Robert Finney, John A. Green, E. R. Myre, Charles F. Wells, junior, of Pennsylvania; Noah L. Wilson, Amasa Stone, William H. Clement, S. S. L'Hommedieu, John Brough, William Dennison, Jacob Blickinsderfer, of Ohio; William M. McPherson, R. W. Wells, Willard P. Hall, Armstrong Beatty, John Corby, of Missouri; S. J. Hensley, Peter Donahue, C. P. Huntington, T. D. Judah, James Bailey, James T. Ryan, Charles Hosmer, Charles Marsh, D. O. Mills, Samuel Bell, Louis McLane, George W. Mowe, Charles McLaughlin, Timothy Dame, John R. Robinson, of California; John Atchison and John D. Winters, of the Territory of Nevada; John D. Campbell, R. N. Rice, Charles A. Trowbridge, and Ransom Gardner, Charles W. Penny, Charles T. Gorham, William McConnell, of Michigan; William F. Coolbaugh, Lucius H. Langworthy, Hugh T. Reid, Hoyt Sherman, Lyman Cook, Samuel R. Curtis, Lewis A. Thomas, Platt Smith, of Iowa; William B. Ogden, Charles G. Hammond, Henry Farnum, Amos C. Babcock, W. Seldon Gale, Nehemiah Bushnell and Lorenzo Bull, of Illinois; William H. Swift, Samuel T. Dana, John Bertram, Franklin S. Stevens, Edward R. Tinker, of Massachusetts; Franklin Gorin, Laban J. Bradford, and John T. Lewis, of Kentucky; James Dunning, John M. Wood, Edwin Noyes, Joseph Eaton, of Maine; Henry H. Baxter, George W. Collamer, Henry Keyes, Thomas H. Canfield, of Vermont; William S. Ladd, A. M. Berry, Benjamin F. Harding, of Oregon; William Bunn, junior, John Catlin, Levi Sterling, John Thompson, Elihu L. Phillips, Walter D. McIndoe, T. B. Stoddard, E. H. Brodhead, A. H. Virgin, of Wisconsin; Charles Paine, Thomas A. Morris, David C. Branham, Samuel Hanna, Jonas Votaw, Jesse L. Williams, Isaac C. Elston, of Indiana; Thomas Swan, Chauncey Brooks, Edward Wilkins, of Maryland; Francis R. E. Cornell, David Blakely, A. D. Seward, Henry A. Swift, Dwight Woodbury, John McKusick, John R. Jones, of Minnesota; Joseph A. Gilmore, Charles W. Woodman, of New Hampshire; W. H. Grimes, J. C. Stone, Chester Thomas, John Kerr, Welter R. Davis, Luther C. Challis, Josiah Miller, of Kansas; Gilbert C. Monell and Augustus Kountz, T. M. Marquette, William H. Taylor, Alvin Saunders, of Nebraska; John Evans, of Colorado; together with five commissioners to be appointed by the Secretary of the Interior, and all persons who shall or may be associated with them, and their successors, are hereby created and erected into a body corporate and politic in deed and in law, by the name, style, and title of "The Union Pacific Railroad Company;" and by that name shall have perpetual succession, and shall be able to sue and to be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States, and may make and have a common seal; and

Name of cor-
poration.

Common seal.

the said corporation is hereby authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph, with the appurtenances, from a point on the one hundredth meridian of longitude west from Greenwich, between the south margin of the valley of the Republican River and the north margin of the valley of the Platte River, in the Territory of Nebraska, to the western boundary of Nevada Territory, upon the route and terms hereinafter provided, and is hereby vested with all the powers, privileges, and immunities necessary to carry into effect the purposes of this act as herein set forth. The capital stock of said company shall consist of one hundred thousand shares of one thousand dollars each, which shall be subscribed for and held in not more than two hundred shares by any one person, and shall be transferable in such manner as the by-laws of said corporation shall provide. The persons hereinbefore named, together with those to be appointed by the Secretary of the Interior, are hereby constituted and appointed commissioners, and such body shall be called the board of commissioners of the Union Pacific Railroad and Telegraph Company, and twenty-five shall constitute a quorum for the transaction of business. The first meeting of said board shall be held at Chicago at such time as the commissioners from Illinois herein named shall appoint, not more than three nor less than one month after the passage of this act, notice of which shall be given by them to the other commissioners by depositing a call thereof in the post-office at Chicago, post paid, to their address at least forty days before said meeting, and also by publishing said notice in one daily newspaper in each of the cities of Chicago and Saint Louis. Said board shall organize by the choice from its number of a president, secretary, and treasurer, and they shall require from said treasurer such bonds as may be deemed proper, and may from time to time increase the amount thereof as they may deem proper. It shall be the duty of said board of commissioners to open books, or cause books to be opened, at such times and in such principal cities in the United States as they or a quorum of them shall determine, to receive subscriptions to the capital stock of said corporation, and a cash payment of ten per centum on all subscriptions, and to receipt therefor. So soon as two thousand shares shall be in good faith subscribed for, and ten dollars per share actually paid into the treasury of the company, the said president and secretary of said board of commissioners shall appoint a time and place for the first meeting of the subscribers to the stock of said company, and shall give notice thereof in at least one newspaper in each State in which subscription books have been opened at least thirty days previous to the day of meeting, and such subscribers as shall attend the meeting so called, either in person or by proxy, shall then and there elect by ballot not less than thirteen directors for said corporation; and in such election each share of said capital shall entitle the owner thereof to one vote. The president and secretary of the board of commissioners shall act as inspectors of said election, and shall certify under their hands the names of the directors elected at said meeting; and the said commissioners, treasurer, and secretary shall then deliver over to said directors all the properties, subscription books and other books in their possession, and thereupon the duties of said commissioners and the officers previously appointed by them shall cease and determine forever, and thereafter the stockholders shall constitute said body politic and corporate. At the time of the first and each triennial election of directors by the stockholders two additional directors shall be appointed by the President of the United States, who shall act with the body of directors, and to be denominated directors on the part of the Government; any vacancy happening in the Government directors at any time may be filled by the President of the United States. The directors to be appointed by the President shall not be stockholders in the Union Pacific Railroad Company. The directors so chosen shall, as soon as may be after their election, elect from their own number a president and vice-president, and shall also elect a treasurer and secretary. No person shall be a director in said company unless he shall be a bona-fide owner of at least five shares of stock in the said company, except the two directors to be appointed by the President as aforesaid. Said company, at any regular meeting of the stockholders called for that purpose, shall have power to make by-laws, rules, and regulations as they shall deem needful and proper, touching the disposition of the stock, property, estate, and effects of the company, not inconsistent herewith, the transfer of shares, the term of office, duties, and conduct of their officers and servants, and all matters whatsoever.

Power of corporation.
Term of railroad and telegraph.

Capital stock.
Shares.

Board of commissioners.

Quorum.
First meeting.

Organization.
Officers of the board.

Subscription books.

First meeting of subscribers to stock.

Directors.
Votes.

Stockholders to constitute the body corporate.

Directors on the part of the Government.

President, vice-president, treasurer, and secretary.

Who may be directors.

By-laws.

ever which may appertain to the concerns of said company; and the said board of directors shall have power to appoint such engineers, agents, and subordinates as may from time to time be necessary to carry into effect the object of this act, and to do all acts and things touching the location and construction of said road and telegraph. Said directors may require payment of subscriptions to the capital stock, after due notice, at such times and in such proportions as they shall deem necessary to complete the railroad and telegraph within the time in this act prescribed. Said president, vice-president, and directors shall hold their office for three years, and until their successors are duly elected and qualified, or for such less time as the by-laws of the corporation may prescribe; and a majority of said directors shall constitute a quorum for the transaction of business. The secretary and treasurer shall give such bonds, with such security, as the said board shall from time to time require, and shall hold their offices at the will and pleasure of the directors. Annual meetings of the stockholders of the said corporation, for the choice of officers (when they are to be chosen) and for the transaction of annual business, shall be holden at such time and place and upon such notice as may be prescribed in the by-laws.

Term of office of president, directors, &c. SEC. 2. *And be it further enacted*, That the right of way through the public lands be, and the same is hereby, granted to said company for the construction of said railroad and telegraph line; and the right, power, and authority is hereby given to said company to take from the public lands adjacent to the line of said road, earth, stone, timber, and other materials for the construction thereof; said right of way is granted to said railroad to the extent of two hundred feet in width on each side of said railroad where it may pass over the public lands, including all necessary grounds for stations, buildings, workshops, and depots, machine-shops, switches, side-tracks, turn-tables, and water-stations. The United States shall extinguish as rapidly as may be the Indian titles to all lands falling under the operation of this act and required for the said right of way and grants hereinafter made.

Quorum of directors. SEC. 3. *And be it further enacted*, That there be, and is hereby, granted to the said company, for the purpose of aiding in the construction of said railroad and telegraph line, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores thereon, every alternate section of public land, designated by odd numbers, to the amount of five alternate sections per mile on each side of said railroad, on the line thereof, and within the limits of ten miles on each side of said road, not sold, reserved, or otherwise disposed of by the United States, and to which a preemption or homestead claim may not have attached, at the time the line of said road is definitely fixed: *Provided*, That all mineral lands shall be excepted from the operation of this act; but where the same shall contain timber, the timber thereon is hereby granted to said company. And all such lands, so granted by this section, which shall not be sold or disposed of by said company within three years after the entire road shall have been completed, shall be subject to settlement and preemption, like other lands, at a price not exceeding one dollar and twenty-five cents per acre, to be paid to said company.

Bonds of secretary and treasurer. SEC. 4. *And be it further enacted*, That whenever said company shall have completed forty consecutive miles of any portion of said railroad and telegraph line, ready for the service contemplated by this act, and supplied with all necessary drains, culverts, viaducts, crossings, sidings, bridges, turn-outs, watering-places, depots, equipments, furniture, and all other appurtenances of a first-class railroad, the rails and all the other iron used in the construction and equipment of said road to be American manufacture of the best quality, the President of the United States shall appoint three commissioners to examine the same and report to him in relation thereto; and if it shall appear to him that forty consecutive miles of said railroad and telegraph line have been completed and equipped in all respects as required by this act, then, upon certificate of said commissioners to that effect, patents shall issue conveying the right and title to said lands to said company, on each side of the road as far as the same is completed, to the amount aforesaid; and patents shall in like manner issue as each forty miles of said railroad and telegraph line are completed, upon certificate of said commissioners. Any vacancies occurring in said board of commissioners by death, resignation, or otherwise, shall be filled by the President of the

Term of office. Annual meetings.

Right of way for road and telegraph.

Materials for construction.

Indian titles to be extinguished.

Alternate sections on each side of railroad, &c., granted to company.

Mineral lands excepted. Timber. Lands when to be subject to settlement and preemption.

Patents for said lands, when and how to issue.

Commissioners.

United States: *Provided, however,* That no such commissioners shall be appointed by the President of the United States unless there shall be presented to him a statement, verified on oath by the president of said company, that such forty miles have been completed, in the manner required by this act, and setting forth with certainty the points where such forty miles begin and where the same end; which oath shall be taken before a judge of a court of record.

Company to render statement on oath.

SEC. 5. *And be it further enacted,* That for the purposes herein mentioned the Secretary of the Treasury shall, upon the certificate in writing of said commissioners of the completion and equipment of forty consecutive miles of said railroad and telegraph, in accordance with the provisions of this act, issue to said company bonds of the United States of one thousand dollars each, payable in thirty years after date, bearing six per centum per annum interest, (said interest payable semi-annually,) which interest may be paid in United States Treasury notes or any other money or currency which the United States have or shall declare lawful money and a legal tender, to the amount of sixteen of said bonds per mile for such section of forty miles; and to secure the repayment to the United States, as hereinafter provided, of the amount of said bonds so issued and delivered to said company, together with all interest thereon which shall have been paid by the United States, the issue of said bonds and delivery to the company shall ipso facto constitute a first mortgage on the whole line of the railroad and telegraph, together with the rolling-stock, fixtures and property of every kind and description, and in consideration of which said bonds may be issued; and on the refusal or failure of said company to redeem said bonds, or any part of them, when required so to do by the Secretary of the Treasury, in accordance with the provisions of this act, the said road, with all the rights, functions, immunities, and appurtenances thereunto belonging, and also the lands granted to the said company by the United States, which, at the time of said default, shall remain in the ownership of the said company, may be taken possession of by the Secretary of the Treasury, for the use and benefit of the United States: *Provided,* This section shall not apply to that part of any road now constructed.

United States bonds when and how to issue to said company.

Interest.

Issue and delivery of bonds to constitute first mortgage of road stock, &c.
Proceedings upon failure to redeem bonds.

SEC. 6. *And be it further enacted,* That the grants aforesaid are made upon condition that said company shall pay said bonds at maturity, and shall keep said railroad and telegraph line in repair and use, and shall at all times transmit despatches over said telegraph line, and transport mails, troops, and munitions of war, supplies, and public stores upon said railroad for the Government, whenever required to do so by any department thereof, and that the Government shall at all times have the preference in the use of the same for all the purposes aforesaid, (at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service;) and all compensation for services rendered for the Government shall be applied to the payment of said bonds and interest until the whole amount is fully paid. Said company may also pay the United States, wholly or in part, in the same or other bonds, Treasury notes, or other evidences of debt against the United States, to be allowed at par; and after said road is completed, until said bonds and interest are paid, at least five per centum of the net earnings of said road shall also be annually applied to the payment thereof.

Grants conditioned to pay bonds at maturity.

To keep road and telegraph in repair.

To transmit despatches and transport mails, troops, &c.

Government to have preference.

Pay therefor how to be applied.

SEC. 7. *And be it further enacted,* That said company shall file their assent to this act, under the seal of said company, in the Department of the Interior, within one year after the passage of this act, and shall complete said railroad and telegraph from the point of beginning as herein provided, to the western boundary of Nevada Territory before the first day of July, one thousand eight hundred and seventy-four: *Provided,* That within two years after the passage of this act said company shall designate the general route of said road, as near as may be, and shall file a map of the same in the Department of the Interior, whereupon the Secretary of the Interior shall cause the lands within fifteen miles of said designated route or routes to be withdrawn from preëmption, private entry, and sale; and when any portion of said route shall be finally located, the Secretary of the Interior shall cause the said lands hereinbefore granted to be surveyed and set off as fast as may be necessary for the purposes herein named: *Provided,* That in fixing the point of connection of the main trunk with the eastern connections,

Company to file assent, &c.

To complete railroad, &c.

General route to be designated in two years.

Map to be filed.

Point of junction of main trunk with eastern connections.

| | |
|--|---|
| Line of railroad and telegraph, where to commence. | it shall be fixed at the most practicable point for the construction of the Iowa and Missouri branches, as hereinafter provided. |
| Direction. | SEC. 8. <i>And be it further enacted</i> , That the line of said railroad and telegraph shall commence at a point on the one hundredth meridian of longitude west from Geenwich, between the south margin of the valley of the Republican River and the north margin of the valley of the Platte River, in the Territory of Nebraska, at a point to be fixed by the President of the United States, after actual surveys; thence running westerly upon the most direct, central, and practicable route, through the Territories of the United States, to the western boundary of the Territory of Nevada, there to meet and connect with the line of the Central Pacific Railroad Company of California. |
| Leavenworth, Pawnee, &c., Railroad Company may construct railroad and telegraph from Missouri River to Pacific railroad. | SEC. 9. <i>And be it further enacted</i> , That the Leavenworth, Pawnee, and Western Railroad Company of Kansas are hereby authorized to construct a railroad and telegraph line, from the Missouri River, at the mouth of the Kansas River, on the south side thereof, so as to connect with the Pacific Railroad of Missouri, to the aforesaid point, on the one hundredth meridian of longitude west from Greenwich, as herein provided, upon the same terms and conditions in all respects as are provided in this act for the construction of the railroad and telegraph line first mentioned, and to meet and connect with the same at the meridian of longitude aforesaid; and in case the general route or line of road from the Missouri River to the Rocky Mountains should be so located as to require a departure northwardly from the proposed line of said Kansas Railroad before it reaches the meridian of longitude aforesaid, the location of said Kansas road shall be made so as to conform thereto; and said railroad through Kansas shall be so located between the mouth of the Kansas River, as aforesaid, and the aforesaid point, on the one hundredth meridian of longitude, that the several railroads from Missouri and Iowa, herein authorized to connect with the same, can make connection within the limits prescribed in this act, provided the same can be done without deviating from the general direction of the whole line to the Pacific coast. The route in Kansas, west of the meridian of Fort Riley, to the aforesaid point, on the one hundredth meridian of longitude, to be subject to the approval of the President of the United States, and to be determined by him on actual survey. And said Kansas Company may proceed to build said railroad to the aforesaid point, on the one hundredth meridian of longitude west from Greenwich, in the Territory of Nebraska. The Central Pacific Railroad Company of California, a corporation existing under the laws of the State of California, are hereby authorized to construct a railroad and telegraph line from the Pacific coast, at or near San Francisco, or the navigable waters of the Sacramento River, to the eastern boundary of California, upon the same terms and conditions, in all respects, as are contained in this act for the construction of said railroad and telegraph line first mentioned, and to meet and connect with the first-mentioned railroad and telegraph line on the eastern boundary of California. Each of said companies shall file their acceptance of the conditions of this act in the Department of the Interior within six months after the passage of this act. |
| Location. | SEC. 10. <i>And be it further enacted</i> , That the said company chartered by the State of Kansas shall complete one hundred miles of their said road, commencing at the mouth of the Kansas River as aforesaid, within two years after filing their assent to the conditions of this act, as herein provided, and one hundred miles per year thereafter until the whole is completed; and the said Central Pacific Railroad Company of California shall complete fifty miles of their said road within two years after filing their assent to the provisions of this act, as herein provided, and fifty miles per year thereafter until the whole is completed; and after completing their roads, respectively, said companies, or either of them, may unite upon equal terms with the first-named company in constructing so much of said railroad and telegraph line and branch railroads and telegraph lines in this act hereinafter mentioned, through the Territories from the State of California to the Missouri River, as shall then remain to be constructed, on the same terms and conditions as provided in this act in relation to the said Union Pacific Railroad Company. And the Hannibal and St. Joseph Railroad, the Pacific Railroad Company of Missouri, and the first-named company, or either of them, on filing their assent to this act, as aforesaid, may unite upon equal terms, under this act, with the said Kansas Company, in constructing said railroad and telegraph, to said meridian of longitude, with the consent of |
| To be subject to approval of President. | SEC. 10. <i>And be it further enacted</i> , That the said company chartered by the State of Kansas shall complete one hundred miles of their said road, commencing at the mouth of the Kansas River as aforesaid, within two years after filing their assent to the conditions of this act, as herein provided, and one hundred miles per year thereafter until the whole is completed; and the said Central Pacific Railroad Company of California shall complete fifty miles of their said road within two years after filing their assent to the provisions of this act, as herein provided, and fifty miles per year thereafter until the whole is completed; and after completing their roads, respectively, said companies, or either of them, may unite upon equal terms with the first-named company in constructing so much of said railroad and telegraph line and branch railroads and telegraph lines in this act hereinafter mentioned, through the Territories from the State of California to the Missouri River, as shall then remain to be constructed, on the same terms and conditions as provided in this act in relation to the said Union Pacific Railroad Company. And the Hannibal and St. Joseph Railroad, the Pacific Railroad Company of Missouri, and the first-named company, or either of them, on filing their assent to this act, as aforesaid, may unite upon equal terms, under this act, with the said Kansas Company, in constructing said railroad and telegraph, to said meridian of longitude, with the consent of |
| Central Pacific Railroad Company may construct railroad and telegraph line. | SEC. 10. <i>And be it further enacted</i> , That the said company chartered by the State of Kansas shall complete one hundred miles of their said road, commencing at the mouth of the Kansas River as aforesaid, within two years after filing their assent to the conditions of this act, as herein provided, and one hundred miles per year thereafter until the whole is completed; and the said Central Pacific Railroad Company of California shall complete fifty miles of their said road within two years after filing their assent to the provisions of this act, as herein provided, and fifty miles per year thereafter until the whole is completed; and after completing their roads, respectively, said companies, or either of them, may unite upon equal terms with the first-named company in constructing so much of said railroad and telegraph line and branch railroads and telegraph lines in this act hereinafter mentioned, through the Territories from the State of California to the Missouri River, as shall then remain to be constructed, on the same terms and conditions as provided in this act in relation to the said Union Pacific Railroad Company. And the Hannibal and St. Joseph Railroad, the Pacific Railroad Company of Missouri, and the first-named company, or either of them, on filing their assent to this act, as aforesaid, may unite upon equal terms, under this act, with the said Kansas Company, in constructing said railroad and telegraph, to said meridian of longitude, with the consent of |
| Companies to file acceptance of this act. | SEC. 10. <i>And be it further enacted</i> , That the said company chartered by the State of Kansas shall complete one hundred miles of their said road, commencing at the mouth of the Kansas River as aforesaid, within two years after filing their assent to the conditions of this act, as herein provided, and one hundred miles per year thereafter until the whole is completed; and the said Central Pacific Railroad Company of California shall complete fifty miles of their said road within two years after filing their assent to the provisions of this act, as herein provided, and fifty miles per year thereafter until the whole is completed; and after completing their roads, respectively, said companies, or either of them, may unite upon equal terms with the first-named company in constructing so much of said railroad and telegraph line and branch railroads and telegraph lines in this act hereinafter mentioned, through the Territories from the State of California to the Missouri River, as shall then remain to be constructed, on the same terms and conditions as provided in this act in relation to the said Union Pacific Railroad Company. And the Hannibal and St. Joseph Railroad, the Pacific Railroad Company of Missouri, and the first-named company, or either of them, on filing their assent to this act, as aforesaid, may unite upon equal terms, under this act, with the said Kansas Company, in constructing said railroad and telegraph, to said meridian of longitude, with the consent of |
| Said railroads, how and when to be completed. | SEC. 10. <i>And be it further enacted</i> , That the said company chartered by the State of Kansas shall complete one hundred miles of their said road, commencing at the mouth of the Kansas River as aforesaid, within two years after filing their assent to the conditions of this act, as herein provided, and one hundred miles per year thereafter until the whole is completed; and the said Central Pacific Railroad Company of California shall complete fifty miles of their said road within two years after filing their assent to the provisions of this act, as herein provided, and fifty miles per year thereafter until the whole is completed; and after completing their roads, respectively, said companies, or either of them, may unite upon equal terms with the first-named company in constructing so much of said railroad and telegraph line and branch railroads and telegraph lines in this act hereinafter mentioned, through the Territories from the State of California to the Missouri River, as shall then remain to be constructed, on the same terms and conditions as provided in this act in relation to the said Union Pacific Railroad Company. And the Hannibal and St. Joseph Railroad, the Pacific Railroad Company of Missouri, and the first-named company, or either of them, on filing their assent to this act, as aforesaid, may unite upon equal terms, under this act, with the said Kansas Company, in constructing said railroad and telegraph, to said meridian of longitude, with the consent of |
| May be united after completion. | SEC. 10. <i>And be it further enacted</i> , That the said company chartered by the State of Kansas shall complete one hundred miles of their said road, commencing at the mouth of the Kansas River as aforesaid, within two years after filing their assent to the conditions of this act, as herein provided, and one hundred miles per year thereafter until the whole is completed; and the said Central Pacific Railroad Company of California shall complete fifty miles of their said road within two years after filing their assent to the provisions of this act, as herein provided, and fifty miles per year thereafter until the whole is completed; and after completing their roads, respectively, said companies, or either of them, may unite upon equal terms with the first-named company in constructing so much of said railroad and telegraph line and branch railroads and telegraph lines in this act hereinafter mentioned, through the Territories from the State of California to the Missouri River, as shall then remain to be constructed, on the same terms and conditions as provided in this act in relation to the said Union Pacific Railroad Company. And the Hannibal and St. Joseph Railroad, the Pacific Railroad Company of Missouri, and the first-named company, or either of them, on filing their assent to this act, as aforesaid, may unite upon equal terms, under this act, with the said Kansas Company, in constructing said railroad and telegraph, to said meridian of longitude, with the consent of |
| Hannibal and St. Joseph Railroad and Pacific Railroad Company of Missouri, &c., may unite | SEC. 10. <i>And be it further enacted</i> , That the said company chartered by the State of Kansas shall complete one hundred miles of their said road, commencing at the mouth of the Kansas River as aforesaid, within two years after filing their assent to the conditions of this act, as herein provided, and one hundred miles per year thereafter until the whole is completed; and the said Central Pacific Railroad Company of California shall complete fifty miles of their said road within two years after filing their assent to the provisions of this act, as herein provided, and fifty miles per year thereafter until the whole is completed; and after completing their roads, respectively, said companies, or either of them, may unite upon equal terms with the first-named company in constructing so much of said railroad and telegraph line and branch railroads and telegraph lines in this act hereinafter mentioned, through the Territories from the State of California to the Missouri River, as shall then remain to be constructed, on the same terms and conditions as provided in this act in relation to the said Union Pacific Railroad Company. And the Hannibal and St. Joseph Railroad, the Pacific Railroad Company of Missouri, and the first-named company, or either of them, on filing their assent to this act, as aforesaid, may unite upon equal terms, under this act, with the said Kansas Company, in constructing said railroad and telegraph, to said meridian of longitude, with the consent of |

the said State of Kansas; and in case said first-named company shall, with the Kansas complete their line to the eastern boundary of California before it is company. completed across said State by the Central Pacific Railroad Company of California, said first-named company is hereby authorized to continue in constructing the same through California, with the consent of said State, upon the terms mentioned in this act, until said roads shall meet and connect, and the whole line of said railroad and telegraph is completed; and the Central Pacific Railroad Company of California, after completing its road across said State, is authorized to continue the construction of said railroad and telegraph through the Territories of the United States to the Missouri River, including the branch roads specified in this act, upon the routes hereinbefore and hereinafter indicated, on the terms and conditions provided in this act in relation to the said Union Pacific Railroad Company, until said roads shall meet and connect, and the whole line of said railroad and branches and telegraph is completed.

Central Pacific
may continue
construction, &c.

SEC. 11. *And be it further enacted*, That for three hundred miles of said road most mountainous and difficult of construction, to wit: one hundred and fifty miles westwardly from the eastern base of the Rocky Mountains, and one hundred and fifty miles eastwardly from the western base of the Sierra Nevada Mountains, said points to be fixed by the President of the United States, the bonds to be issued to aid in the construction thereof shall be treble the number per mile hereinbefore provided, and the same shall be issued, and the lands herein granted be set apart, upon the construction of every twenty miles thereof, upon the certificate of the commissioners as aforesaid that twenty consecutive miles of the same are completed; and between the sections last named of one hundred and fifty miles each, the bonds to be issued to aid in the construction thereof shall be double the number per mile first mentioned, and the same shall be issued, and the lands herein granted be set apart, upon the construction of every twenty miles thereof, upon the certificate of the commissioners as aforesaid that twenty consecutive miles of the same are completed: *Provided*, That no more than fifty thousand of said bonds shall be issued under this act to aid in constructing the main line of said railroad and telegraph.

Aid for the
most mountain-
ous and difficult
parts of roads to
be treble, &c.

SEC. 12. *And be it further enacted*, That whenever the route of said railroad shall cross the boundary of any State or Territory, or said meridian of longitude, the two companies meeting or uniting there shall agree upon its location at that point, with reference to the most direct and practicable through route, and in case of difference between them as to said location the President of the United States shall determine the said location; the companies named in each State and Territory to locate the road across the same between the points so agreed upon, except as herein provided. The track upon the entire line of railroad and branches shall be of uniform width, to be determined by the President of the United States, so that, when completed, cars can be run from the Missouri River to the Pacific Coast; the grades and curves shall not exceed the maximum grades and curves of the Baltimore and Ohio Railroad; the whole line of said railroad and branches and telegraph shall be operated and used for all purposes of communication, travel, and transportation, so far as the public and Government are concerned, as one connected, continuous line; and the companies herein named in Missouri, Kansas, and California, filing their assent to the provisions of this act, shall receive and transport all iron rails, chairs, spikes, ties, timber, and all materials required for constructing and furnishing said first-mentioned line between the aforesaid point, on the one hundredth meridian of longitude and western boundary of Nevada Territory, whenever the same is required by said first-named company, at cost, over that portion of the roads of said companies constructed under the provisions of this act.

Location, where
route crosses
boundary of any
State, &c.

Track to be of
uniform width.

Grades and
curves.

Road and
branches, &c., to
be one line.

SEC. 13. *And be it further enacted*, That the Hannibal and Saint Joseph Railroad Company of Missouri may extend its roads from Saint Joseph, via Atchison, to connect and unite with the road through Kansas, upon filing its assent to the provisions of this act, upon the same terms and conditions, in all respects, for one hundred miles in length next to the Missouri River, as are provided in this act for the construction of the railroad and telegraph line first mentioned, and may for this purpose, use any railroad charter which has been or may be granted by the legislature of Kansas; *Provided*, That if actual survey shall render it desirable, the said company may construct their road, with the consent of the

Hannibal and
St. Joseph Com-
pany may extend
its road, &c.

Kansas legislature, on the most direct and practicable route west from St. Joseph, Missouri, so as to connect and unite with the road leading from the western boundary of Iowa at any point east of the one hundredth meridian of west longitude, or with the main trunk road at said point; but in no event shall lands or bonds be given to said company, as herein directed, to aid in the construction of their said road for a greater distance than one hundred miles. And the Leavenworth, Pawnee, and Western Railroad Company of Kansas may construct their road from Leavenworth to unite with the road through Kansas.

Union Pacific Railroad to construct single line from western boundary of Iowa.

SEC. 14. *And be it further enacted*, That the said Union Pacific Railroad Company is hereby authorized and required to construct a single line of railroad and telegraph from a point on the western boundary of the State of Iowa, to be fixed by the President of the United States, upon the most direct and practicable route, to be subject to his approval, so as to form a connection with the lines of said company at some point on the one hundredth meridian of longitude aforesaid, from the point of commencement on the western boundary of the State of Iowa, upon the same terms and conditions, in all respects, as are contained in this act for the construction of the said railroad and telegraph first mentioned; and the said Union Pacific Railroad Company shall complete one hundred miles of the road and telegraph in this section provided for, in two years after filing their assent to the conditions of this act, as by the terms of this act required, and at the rate of one hundred miles per year thereafter, until the whole is completed: *Provided*, That a failure upon the part of said company to make said connection in the time aforesaid, and to perform the obligations imposed on said company by this section and to operate said road in the same manner as the main line shall be operated, shall forfeit to the Government of the United States all the rights, privileges, and franchises granted to and conferred upon said company by this act. And whenever there shall be a line of railroad completed through Minnesota or Iowa to Sioux City, then the said Pacific Railroad Company is hereby authorized and required to construct a railroad and telegraph from said Sioux City upon the most direct and practicable route to a point on, and so as to connect with, the branch railroad and telegraph in this section hereinbefore mentioned, or with the said Union Pacific Railroad, said point of junction to be fixed by the President of the United States, not further west than the one hundredth meridian of longitude aforesaid, and on the same terms and conditions as provided in this act for the construction of the Union Pacific Railroad as aforesaid, and to complete the same at the rate of one hundred miles per year; and should said company fail to comply with the requirements of this act in relation to the said Sioux City railroad and telegraph, the said company shall suffer the same forfeitures prescribed in relation to the Iowa branch railroad and telegraph hereinbefore mentioned.

Other railroads may connect.

SEC. 15. *And be it further enacted*, That any other railroad company now incorporated, or hereafter to be incorporated, shall have the right to connect their road with the road and branches provided for by this act, at such places and upon such just and equitable terms as the President of the United States may prescribe. Wherever the word company is used in this act it shall be construed to embrace the words their associates, successors, and assigns, the same as if the words had been properly added thereto.

Meaning of word "company" in this act.

Companies named herein, and assenting, may be consolidated. Notice.

SEC. 16. *And be it further enacted*, That at any time after the passage of this act all of the railroad companies named herein, and assenting hereto, or any two or more of them, are authorized to form themselves into one consolidated company; notice of such consolidation, in writing, shall be filed in the Department of the Interior, and such consolidated company shall thereafter proceed to construct said railroad and branches and telegraph line upon the terms and conditions provided in this act.

If companies fail to comply with the terms of this act, Congress may, &c.

SEC. 17. *And be it further enacted*, That in case said company or companies shall fail to comply with the terms and conditions of this act, by not completing said road and telegraph and branches within a reasonable time, or by not keeping the same in repair and use, but shall permit the same, for an unreasonable time, to remain unfinished, or out of repair, and unfit for use, Congress may pass any act to insure the speedy completion of said road and branches, or put the same in repair and use, and may direct the incumbrance of said railroad and telegraph line to be thereafter devoted to the use of the United States, to repay all such expenditures caused by the default and neglect of such company or com-

panies: *Provided*, That if said roads are not completed, so as to form a continuous line of railroad, ready for use, from the Missouri River to the navigable waters of the Sacramento River, in California, by the first day of July, eighteen hundred and seventy-six, the whole of all of said railroads before mentioned and to be constructed under the provisions of this act, together with all their furniture, fixtures, rolling-stock, machine-shops, lands, tenements, and hereditaments, and property of every kind and character, shall be forfeited to and taken possession of by the United States: *Provided*, That of the bonds of the United States in this act provided to be delivered for any and all parts of the roads to be constructed east of the one hundredth meridian of west longitude from Greenwich, and for any part of the road west of the west foot of the Sierra Nevada Mountain, there shall be reserved of each part and instalment twenty-five per centum, to be and remain in the United States Treasury, undelivered, until said road and all parts thereof provided for in this act are entirely completed; and of all the bonds provided to be delivered for the said road, between the two points aforesaid, there shall be reserved out of each instalment fifteen per centum, to be and remain in the Treasury until the whole of the road provided for in this act is fully completed; and if the said road or any part thereof shall fail of completion at the time limited therefor in this act, then and in that case the said part of said bonds so reserved shall be forfeited to the United States.

Roads when to be forfeited to the United States.

Twenty-five percent of bonds granted by this act to be reserved.

SEC. 18. *And be it further enacted*, That whenever it appears that the net earnings of the entire road and telegraph, including the amount allowed for services rendered for the United States, after deducting all expenditures, including repairs, and the furnishing, running, and managing of said road, shall exceed ten per centum upon its cost, exclusive of the five per centum to be paid to the United States, Congress may reduce the rates of fare thereon, if unreasonable in amount, and may fix and establish the same by law. And the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the Government at all times (but particularly in time of war) the use and benefits of the same for postal, military and other purposes, Congress may, at any time, having due regard for the rights of said companies named herein, add to, alter, amend, or repeal this act.

When net earnings of road, &c., exceed ten per cent. Congress may reduce the rates, &c.

Act may be altered, &c.

SEC. 19. *And be it further enacted*, That the several railroad companies herein named are authorized to enter into an arrangement with the Pacific Telegraph Company, the Overland Telegraph Company, and the California State Telegraph Company, so that the present line of telegraph between the Missouri River and San Francisco may be moved upon or along the line of said railroad and branches as fast as said roads and branches are built; and if said arrangement be entered into, and the transfer of said telegraph line be made in accordance therewith to the line of said railroad and branches, such transfer shall, for all purposes of this act, be held and considered a fulfilment on the part of said railroad companies of the provisions of this act in regard to the construction of said line of telegraph. And, in case of disagreement, said telegraph companies are authorized to remove their line of telegraph along and upon the line of railroad herein contemplated without prejudice to the rights of said railroad companies named herein.

Arrangements with telegraph companies.

SEC. 20. *And be it further enacted*, That the corporation hereby created and the roads connected therewith, under the provisions of this act, shall make to the Secretary of the Treasury an annual report wherein shall be set forth—

Annual report of corporation.

First. The names of the stockholders and their places of residence, so far as the same can be ascertained;

Contents of report.

Second. The names and residences of the directors, and all other officers of the company;

Third. The amount of stock subscribed, and the amount thereof actually paid in;

Fourth. A description of the lines of road surveyed, of the lines thereof fixed upon for the construction of the road, and the cost of such surveys;

Fifth. The amount received from passengers on the road;

Sixth. The amount received for freight thereon;

Seventh. A statement of the expense of said road and its fixtures;

Eighth. A statement of the indebtedness of said company, setting forth the various kinds thereof. Which report shall be sworn to by the president of the said company, and shall be presented to the Secretary of the Treasury on or before the first day of July in each year. (a)

(a) See Nos. 2093, 2094, 2096, 2097, 2098, 2099, 2100, 2105, 2106, 2107, 2112, 2113, 2115, 2116, 2118, 2121, 2122, 2124, 2129, 2130.

July 12, 1862.
Vol. 12, p. 538.

No. 2093.—AN ACT to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved, July 2, 1862.

First meeting
of commissioners
on Pacific Rail-
road and tele-
graph, to be held
in Chicago.

Be it enacted, &c., That the first meeting of the commissioners named in the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July second, eighteen hundred and sixty-two, and of the five commissioners directed by said act to be appointed by the Secretary of the Interior, shall be held at Bryan Hall, in the city of Chicago, in the State of Illinois, on the first Tuesday of September next, at twelve o'clock, at noon. A notice of said meeting, to be signed by at least ten of the commissioners named in said act, shall be published at least once a week during the six successive weeks commencing on the twentieth of July, one thousand eight hundred and sixty-two in one daily newspaper in each of the cities of Boston, New York, Philadelphia, Cincinnati, Chicago, and St. Louis, and no other notice of said meeting shall be requisite. (a)

Notice.

(a) See Nos. 2092, 2094, 2096, 2097, 2098, 2099, 2100, 2105, 2106, 2107, 2112, 2113, 2115, 2116, 2118, 2121, 2122, 2124, 2129, 2130.

March 3, 1863.
Vol. 12, p. 807.

No. 2094.—AN ACT to establish the gauge of the Pacific Railroad and its branches.

Gauge of Pa-
cific Railroad and
branches.

Be it enacted, &c., That the gauge of the Pacific Railroad and its branches throughout their whole extent, from the Pacific coast to the Missouri River, shall be, and hereby is, established at four feet eight and one-half inches. (a)

(a) See Nos. 2092, 2093, 2096, 2097, 2098, 2099, 2100, 2105, 2106, 2107, 2112, 2113, 2115, 2116, 2118, 2121, 2122, 2124, 2129, 2130.

April 19, 1864.
Vol. 13, p. 47.

No. 2095.—AN ACT to enable the people of Nebraska to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States.

Nebraska Ter-
ritory made a
State.

Be it enacted, &c., That the inhabitants of that portion of the Territory of Nebraska included in the boundaries hereinafter designated be, and they are hereby, authorized to form for themselves a constitution and State government, with the name aforesaid, which State, when so formed, shall be admitted into the Union as hereinafter provided.

Boundaries.

SEC. 2. *And be it further enacted,* That the said State of Nebraska shall consist of all the territory included within the following boundaries, to wit: Commencing at a point formed by the intersection of the western boundary of the State of Missouri with the fortieth degree of north latitude; extending thence due west along said fortieth degree of north latitude to a point formed by its intersection with the twenty-fifth degree of longitude west from Washington; thence north along said twenty-fifth degree of longitude to a point formed by its intersection with the forty-first degree of north latitude; thence west along said forty-first degree of north latitude to a point formed by its intersection with the twenty-seventh degree of longitude west from Washington; thence north along said twenty-seventh degree of west longitude to a point formed by its intersection with the forty-third degree of north latitude; thence east along said forty-third degree of north latitude to the Reya Paha River; thence down the middle of the channel of said river, with its meanderings, to its junction with the Niobrara River; thence down the middle of the channel of said Niobrara River, and following the meanderings thereof, to its junction with the Missouri River; thence down the middle of the channel of said Missouri River, and following the meanderings thereof, to the place of begin-

SEC. 4. * * * *And provided, further,* That said constitution shall provide, by an article forever irrevocable, without the consent of the Congress of the United States:

Third. That the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the land belonging to residents thereof; and that no taxes shall be imposed by said State on lands or property therein belonging to or which may hereafter be purchased by the United States. (a)

Unappropriated public lands.

Taxes.

SEC. 7. *And be it further enacted,* That sections numbered sixteen and thirty-six in every township, and when such sections have been sold or otherwise disposed of by any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one quarter-section, and as contiguous as may be, shall be, and are hereby, granted to said State for the support of common schools. (b)

School lands.

SEC. 8. *And be it further enacted,* That provided the State of Nebraska shall be admitted into the Union in accordance with the foregoing provisions of this act, that twenty entire sections of the unappropriated public lands within said State, to be selected and located by direction of the legislature thereof, on or before the first day of January, anno Domini, eighteen hundred and sixty-eight, shall be and are hereby granted, in legal subdivisions of not less than one hundred and sixty acres, to said State for the purpose of erecting public buildings at the capital of said State for legislative and judicial purposes, in such manner as the legislature shall prescribe.

Lands for public buildings.

SEC. 9. *And be it further enacted,* That fifty other entire sections of land, as aforesaid, to be selected and located as aforesaid, in legal subdivisions as aforesaid, shall be, and they are hereby, granted to said State for the purpose of erecting a suitable building for a penitentiary or State prison in the manner aforesaid.

For buildings for penitentiary.

SEC. 10. *And be it further enacted,* That seventy-two other sections of land shall be set apart and reserved for the use and support of a State university, to be selected in manner as aforesaid, and to be appropriated and applied as the legislature of said State may prescribe for the purpose named, and for no other purpose.

For State university.

SEC. 11. *And be it further enacted,* That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to said State for its use, the said land to be selected by the governor thereof, within one year after the admission of the State, and when so selected to be used or disposed of on such terms, conditions, and regulations as the legislature shall direct: *Provided,* That no salt spring or lands, the right whereof is now vested in any individual or individuals, or which hereafter shall be confirmed or adjudged to any individual or individuals, shall, by this act, be granted to said State.

Salt springs.

Proviso.

SEC. 12. *And be it further enacted,* That five per centum of the proceeds of the sales of all public lands lying within said State, which have been or shall be sold by the United States prior or subsequent to the admission of said State into the Union, after deducting all expenses incident to the same, shall be paid to the said State for the support of common schools.

Five per cent. of sales of certain public lands to go for support of common schools.

(a) See Nos. 2082, 2091, 2102, 2103, 2114.

(b) See Nos. 1854, 2082, 2086, 2088, 2089, 2125, 2133.

No. 2096.—AN ACT to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July first, eighteen hundred and sixty-two.

July 2, 1864.
Vol. 13, p. 356.

Be it enacted, &c., That the capital stock of the company entitled the Union Pacific Railroad Company, authorized by the act of which this act is amendatory, shall be in shares of one hundred dollars, instead of one thousand dollars, each; that the number of shares shall be one million, instead of one hundred thousand; and that the number of shares which any person shall hold to entitle him to serve as a director in said

Shares in capital stock of Pacific Railroad to be \$100 each.
Number of shares.

Directors to hold fifty shares. company (except the five directors to be appointed by Government) shall be fifty shares, instead of five shares; and that every subscriber to said capital stock for each share of one thousand dollars, heretofore subscribed, shall be entitled to a certificate for ten shares of one hundred dollars each; and that the following words in section first of said act: "which shall be subscribed for and held in not more than two hundred shares by any one person," be, and the same are hereby, repealed.

Part of act of 1883 repealed. SEC. 2. *And be it further enacted*, That the Union Pacific Railroad Company shall cause books to be kept open to receive subscriptions to the capital stock of said company, (until the entire capital of one hundred millions of dollars shall be subscribed,) at the general office of said company in the city of New York, and in each of the cities of Boston, Philadelphia, Baltimore, Chicago, Cincinnati, and Saint Louis, at such places as may be designated by the President of the United States, and in such other localities as may be directed by him. No subscription for said stock shall be deemed valid unless the subscriber therefor shall, at the time of subscribing, pay or remit to the treasurer of the company an amount per share subscribed by him equal to the amount per share previously paid by the then existing stockholders. The said company shall make assessments upon its stockholders of not less than five dollars per share, and at intervals of not exceeding six months from and after the passage of this act, until the par value of all shares subscribed shall be fully paid; and money only shall be receivable for any such assessment, or as equivalents for any portion of the capital stock hereinbefore authorized. The capital stock of said company shall not be increased beyond the actual cost of said road. And the stock of the company shall be deemed personal property, and shall be transferable on the books of the company, at the general office of said company in the city of New York, or at such other transfer office as the company may establish.

Books of subscription to be kept open in certain cities. SEC. 3. *And be it further enacted*, That the Union Pacific Railroad Company, and all other companies provided for in this act and the act to which this is an amendment, be, and hereby are, empowered to enter upon, purchase, take, and hold any lands or premises that may be necessary and proper for the construction and working of said road, not exceeding in width one hundred feet on each side of its centre line, unless a greater width be required for the purpose of excavation or embankment; and also any lands or premises that may be necessary and proper for turn-outs, standing-places for cars, depots, station-house[s], or any other structures required in the construction and operating of said road. And each of said companies shall have the right to cut and remove trees or other materials that might by falling encumber its road-bed, though standing or being more than one hundred feet therefrom. And in case the owner or claimant of such lands or premises and such company cannot agree as to the damages, the amount shall be determined by the appraisal of three disinterested commissioners, who may be appointed upon application by any party to any judge of a court of record in any of the Territories in which the lands or premises to be taken lie; and said commissioners, in their assessments of damages, shall appraise such premises at what would have been the value thereof if the road had not been built; and upon the return into court of such appraisal, and upon the payment to the clerk thereof of the amount so awarded by the commissioners for the use and benefit of the owner thereof, said premises shall be deemed to be taken by said company, which shall thereby acquire full title to the same for the purposes aforesaid. And either party feeling aggrieved by said assessment may, within thirty days, file an appeal therefrom, and demand a jury of twelve men to estimate the damage sustained; but such appeal shall not interfere with the rights of said company to enter upon the premises taken, or to do any act necessary in the construction of its road. And said party appealing shall give bonds with sufficient surety or sureties, for the payment of any costs that may arise upon such appeal. And in case the party appealing does not obtain a more favorable verdict, such party shall pay the whole cost incurred by the appellee, as well as its own. And the payment into court for the use of the owner or claimant, of a sum equal to that finally awarded shall be held to vest in said company the title of said land, and the right to use and occupy the same for the construction, maintaining, and operating of the road of said company. And in case any of the lands to be taken as aforesaid shall be held by any person residing without the Territory, or subject to any legal disability,

Subscription not to be valid unless, &c.

Assessments.

Stock not to be increased, &c.

To be personal property.

Railroads may take and hold lands necessary for road, &c.

Damages.

Appraisement.

Appeal from assessment.

the court may appoint a proper person who shall give bonds with sufficient surety or sureties, for the faithful execution of his trust, and who may represent in court the person disqualified or absent as aforesaid, when the same proceeding shall be had in reference to the appraisal of the premises to be taken, and with the same effect as have been already described. And the title of the company to the land taken by virtue of this act shall not be affected nor impaired by reason of any failure by any guardian to discharge faithfully his trust. And in case it shall be necessary for either of the said companies to enter upon lands which are unoccupied, and of which there is no apparent owner or claimant, it may proceed to take and use the same for the purpose of its said railroad, and may institute proceedings in manner described for the purpose of ascertaining the value of, and acquiring a title to, the same; and the court may determine the kind of notice to be served on such owner or owners, and may in its discretion appoint an agent or guardian to represent such owner or owners in case of his or their incapacity or non-appearance. But in case no claimant shall appear within six years from the time of the opening of said road across any land, all claim to damages against said company shall be barred. It shall be competent for the legal guardian of any infant, or any other person under guardianship, to agree with the proper company as to damages sustained by reason of the taking of any lands of any such person under disability, as aforesaid, for the use as aforesaid; and upon such agreement being made, and approved by the court having supervision of the official acts of said guardian, the said guardian shall have full power to make and execute a conveyance thereof to the said company which shall vest the title thereto in the said company.

Damages to land of absent owners.

Damages to unoccupied lands.

Agreements as to damages of persons under disability.

SEC. 4. *And be it further enacted*, That section three of said act be hereby amended by striking out the word "five," where the same occurs in said section, and by inserting in lieu thereof the word "ten;" and by striking out the word "ten," where the same occurs in said section, and by inserting in lieu thereof the word "twenty." And section seven of said act is hereby amended by striking out the word "fifteen," where the same occurs in said section, and inserting in lieu thereof the word "twenty-five." And the term "mineral land," wherever the same occurs in this act, and the act to which this is an amendment, shall not be construed to include coal and iron land. And any lands granted by this act, or the act to which this is an amendment, shall not defeat or impair any pre-emption, homestead, swamp land, or other lawful claim, nor include any Government reservation or mineral lands, or the improvements of any bona-fide settler, or any lands returned and denominated as mineral lands, and the timber necessary to support his said improvements as a miner, or agriculturalist, to be ascertained under such rules as have been or may be established by the Commissioner of the General Land Office, in conformity with the provisions of the pre-emption laws: *Provided*, That the quantity thus exempted by the operation of this act, and the act to which this act is an amendment, shall not exceed one hundred and sixty acres for each settler who claims as an agriculturalist, and such quantity for each settler who claims as a miner, as the said Commissioner may establish by general regulation: *Provided, also*, That the phrase "but where the same shall contain timber, the timber thereon is hereby granted to said company," in the proviso to said section three, shall not apply to the timber growing or being on any land farther than ten miles from the centre line of any one of said roads or branches mentioned in said act, or in this act. (a) And all lands shall be excluded from the operation of this act, and of the act to which this act is an amendment, which were located, or selected to be located, under the provisions of an act entitled "An act donating lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two, and notice thereof given at the proper land office. (b)

Amendment of act of 1862.

"Mineral land" not to include coal and iron.

Pre-emption, homestead, &c., rights not affected hereby.

Limit to exemption.

Timber.

Lands granted to colleges not included herein.

SEC. 5. *And be it further enacted*, That the time for designating the general route of said railroad, and of filing the map of the same, and the time for the completion of that part of the railroads required by the terms of said act of each company, be, and the same is hereby, extended one year from the time in said act designated; and that the Central Pacific Railroad Company of California shall be required to complete twenty-five miles of their said road in each year thereafter, and the whole to the State line within four years, and that only one-half of the compensation for services rendered for the Government by said com-

Time for designating route, filing map, &c., extended, &c.

Part of compensation to pay for bonds.

panies shall be required to be applied to the payment of the bonds issued by the Government in aid of the construction of said roads.

Commissioners
for the roads.

SEC. 6. *And be it further enacted*, That the proviso to section four of said act is hereby modified as follows, viz: And the President of the United States is hereby authorized, at any time after the passage of this act, to appoint for each and every of said roads, three commissioners as provided for in the act to which this is amendatory; and the verified statement of the president of the California company, required by said section four, shall be filed in the office of the United States surveyor-general for the State of California, instead of being presented to the President of the United States; and the said surveyor-general shall thereupon notify the said commissioners of the filing of such statement, and the said commissioners shall thereupon proceed to examine the portion of said railroad and telegraph line so completed, and make their report thereon to the President of the United States, as provided by the act of which this is amendatory. And such statement may be filed, and such railroad and telegraph line be examined and reported on, by the said commissioners, and the requisite amount of bonds may be issued and the lands appertaining thereto may be set apart, located, entered, and patented, as provided in this act and the act to which this is amendatory, upon the construction by said railroad company of California of any portion of not less than twenty consecutive miles of their said railroad and telegraph line, upon the certificate of said commissioners that such portion is completed as required by the act to which this is amendatory. And section ten of the act of which this is amendatory is hereby amended by inserting, after the words "United States," in the last clause, the words "and States intervening."

Statement may
be filed, bonds is-
sued, &c., when,
&c.

Amendment.

Repeal of re-
quirement that
portion of bonds
should be re-
served.

Failure of one
company not to
affect others.

SEC. 7. *And be it further enacted*, That so much of section seventeen of said act as provides for a reservation by the Government of a portion of the bonds to be issued to aid in the construction of the said railroads is hereby repealed. And the failure of any one company to comply fully with the conditions and requirements of this act, and the act to which this is amendatory, shall not work a forfeiture of the rights, privileges, or franchise of any other company or companies that shall have complied with the same.

Portion of
bonds may be is-
sued when engi-
neer, &c., certify
that a part of the
work, &c., is
done.

SEC. 8. *And be it further enacted*, That for the purpose of facilitating the work on said railroad, and of enabling the said company as early as practicable to commence the grading of said railroad in the region of the mountains, between the eastern base of the Rocky Mountains and the western base of the Sierra Nevada Mountains, so that the same may be finally completed within the time required by law, it is hereby provided that whenever the chief engineer of the said company, and said commissioners, shall certify that a certain proportion of the work required to prepare the road for the superstructure on any such section of twenty miles is done, (which said certificate shall be duly verified,) the Secretary of the Treasury is hereby authorized and required, upon the delivery of such certificate, to issue to said company a proportion of said bonds, not exceeding two thirds of the amount of bonds authorized to be issued under the provisions of the act, to aid in the construction of such section of twenty miles, nor in any case exceeding two-thirds of the value of the work done, the remaining one third to remain until the said section is fully completed and certified by the commissioners appointed by the President, according to the terms and provisions of the said act; and no such bonds shall issue to the Union Pacific Railroad Company for work done west of Salt Lake City under this section, more than three hundred miles in advance of the completed continuous line of said railroad from the point of beginning on the one hundredth meridian of longitude.

Corporations
may establish,
&c., ferries, and
construct
bridges.

SEC. 9. *And be it further enacted*, That to enable any one of said corporations to make convenient and necessary connections with other roads, it is hereby authorized to establish and maintain all necessary ferries upon and across the Missouri River and other rivers which its road may pass in its course; and authority is hereby given said corporation to construct bridges over said Missouri River, and all other rivers for the convenience of said road: *Provided*, That any bridge or bridges it may construct over the Missouri River, or any other navigable river on the line of said road, shall be constructed with suitable and proper draws for the passage of steamboats, and shall be built, kept, and maintained, at the expense of said company in such manner as not to impair the usefulness of said rivers for navigation to any greater ex-

Draws.

tent than such structures of the most approved character necessarily do: *And provided, further*, That any company authorized by this act to construct its road and telegraph line from the Missouri River to the initial point aforesaid, may construct its road and telegraph line so as to connect with the Union Pacific Railroad at any point westwardly of such initial point, in case such company shall deem such westward connection more practicable or desirable; and in aid of the construction of so much of its road and telegraph line as shall be a departure from the route hereinbefore provided for its road, such company shall be entitled to all the benefits, and be subject to all the conditions and restrictions, of this act: *Provided, further, however*, That the bonds of the United States shall not be issued to such company for a greater amount than is hereinbefore provided, if the same had united with the Union Pacific Railroad on the 100th degree of longitude; nor shall such company be entitled to receive any greater amount of alternate sections of public lands than are also herein provided.

Connection
with Union Pacific
Railroad.

Proviso.

SEC. 10. *And be it further enacted*, That section five of said act be so modified and amended that the Union Pacific Railroad Company, the Central Pacific Railroad Company, and any other company authorized to participate in the construction of said road, may, on the completion of each section of said road, as provided in this act and the act to which this act is an amendment, issue their first-mortgage bonds on their respective railroad and telegraph lines to an amount not exceeding the amount of the bonds of the United States, and of even tenor and date, time of maturity, rate and character of interest with the bonds authorized to be issued to said railroad companies respectively. And the lien of the United States bonds shall be subordinate to that of the bonds of any or either of said companies hereby authorized to be issued on their respective roads, property, and equipments, except as to the provisions of the sixth section of the act to which this act is an amendment, relating to the transmission of despatches and the transportation of mails, troops, munitions of war, supplies and public stores for the Government of the United States. And said section is further amended by striking out the word "forty," and inserting in lieu thereof the words "on each and every section of not less than twenty."

First-mortgage
bonds.

Lien of the
United States.

SEC. 11. *And be it further enacted*, That if any of the railroad companies entitled to bonds of the United States, or to issue their first mortgage bonds herein provided for, has, at the time of the approval of this act, issued, or shall thereafter issue, any of its own bonds or securities in such form or manner as in law or equity to entitle the same to priority or preference of payment to the said guaranteed bonds, or said first-mortgage bonds, the amount of such corporate bonds outstanding and unsatisfied, or uncanceled, shall be deducted from the amount of such Government and first-mortgage bonds which the company may be entitled to receive and issue; and such an amount only of such Government bonds and such first-mortgage bonds shall be granted or permitted, as added to such outstanding, unsatisfied, or uncanceled bonds of the company shall make up the whole amount per mile to which the company would otherwise have been entitled: *And provided, further*, That before any bonds shall be so given by the United States, the company claiming them shall present to the Secretary of the Treasury an affidavit of the president and secretary of the company, to be sworn to before the judge of a court of record, setting forth whether said company has issued any such bonds or securities, and, if so, particularly describing the same, and such other evidence as the secretary may require, so as to enable him to make the deduction herein required; and such affidavit shall then be filed and deposited in the office of the Secretary of the Interior. And any person swearing falsely to any such affidavit, shall be deemed guilty of perjury, and, on conviction thereof, shall be punished as aforesaid: *Provided, also*, That no land granted by this act shall be conveyed to any party or parties, and no bonds shall be issued to any company or companies, party or parties, on account of any road or part thereof, made prior to the passage of the act to which this act is an amendment, or made subsequent thereto under the provisions of any act or acts other than this act, and the act amended by this act.

Provision for
bonds already
issued by any
company.

Outstanding
bonds.

Provisos.

SEC. 12. *And be it further enacted*, That the Leavenworth, Pawnee, and Western Railroad Company, now known as the Union Pacific Railroad Company, eastern division, shall build the railroad from the mouth of Kansas River, by the way of Leavenworth, or, if that be not deemed

Union Pacific
Railroad, eastern
division, &c., to
build railroad,
&c.

- the best route, then the said company shall, within two years, build a railroad from the city of Leavenworth to unite with the main stem at or near the city of Lawrence; but to aid in the construction of said branch the said company shall not be entitled to any bonds. And if the Union Pacific Railroad Company shall not be proceeding in good faith to build the said railroad through the Territories when the Leavenworth, Pawnee, and Western Railroad Company, now known as the Union Pacific Railroad Company, eastern division, shall have completed their road to the hundredth degree of longitude, then the last-named company may proceed to make said road westward until it meets and connects with the Central Pacific Railroad Company on the same line. And the said railroad from the mouth of Kansas River to the one hundredth meridian of longitude shall be made by the way of Lawrence and Topeka, or on the bank of the Kansas River opposite said towns: *Provided*, That no bonds shall be issued or land certified by the United States to any person or company, for the construction of any part of the main trunk-line of said railroad west of the one hundredth meridian of longitude and east of the Rocky Mountains, until said road shall be completed from or near Omaha, on the Missouri River, to the said one hundredth meridian of longitude.
- Not entitled to bonds therefor.** SEC. 13. *And be it further enacted*, That at and after the next election of directors, the number of directors to be elected by the stockholders shall be fifteen; and the number of directors to be appointed by the President shall be five; and the President shall appoint three additional directors to serve until the next regular election, and thereafter five directors. At least one of said Government directors shall be placed on each of the standing committees of said company, and at least one on every special committee that may be appointed. The Government directors shall, from time to time, report to the Secretary of the Interior, in answer to any inquiries he may make of them, touching the condition, management, and progress of the work, and shall communicate to the Secretary of the Interior, at any time, such information as should be in the possession of the Department. They shall, as often as may be necessary to a full knowledge of the condition and management of the line, visit all portions of the line of road, whether built or surveyed; and while absent from home, attending to their duties as directors, shall be paid their actual traveling expenses, and be allowed and paid such reasonable compensation for their time actually employed as the board of directors may decide.
- Proviso.**
- Number of directors.**
- Government directors.**
- Report to the Secretary of the Interior.**
- Next election of directors.** SEC. 14. *And be it further enacted*, That the next election for directors of said railroad shall be held on the first Wednesday of October next, at the office of said company in the city of New York, between the hours of ten o'clock a. m. and four o'clock p. m. of said day; and all subsequent regular elections shall be held annually thereafter at the same place; and the directors shall hold their offices for one year, and until their successors are qualified.
- Regular elections.**
- Roads and telegraph to be used as one continuous line.** SEC. 15. *And be it further enacted*, That the several companies authorized to construct the aforesaid roads are hereby required to operate and use said roads and telegraph for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line; and, in such operation and use, to afford and secure to each equal advantages and facilities as to rates, time, and transportation, without any discrimination of any kind in favor of the road or business of any or either of said companies, or adverse to the road or business of any or either of the others, and it shall not be lawful for the proprietors of any line of telegraph, authorized by this act, or the act amended by this act to refuse, or fail to convey for all persons requiring the transmission of news and messages of like character, on pain of forfeiting to the person injured for each offence, the sum of one hundred dollars, and such other damage as he may have suffered on account of said refusal or failure, to be sued for and recovered in any court of the United States, or of any State or Territory of competent jurisdiction.
- Companies may be consolidated.** SEC. 16. *And be it further enacted*, That any two or more of the companies authorized to participate in the benefits of this act, are hereby authorized at any time to unite and consolidate their organizations, as the same may or shall be, upon such terms and conditions, and in such manner as they may agree upon, and as shall not be incompatible with this act, or the laws of the State or States in which the roads of such companies may be, and to assume and adopt such corporate name and
- Mode of procedure.**

style as they may agree upon, with a capital stock not to exceed the actual cost of the roads so to be consolidated, and shall file a copy of such consolidation in the Department of the Interior; and thereupon such organization, so formed and consolidated, shall succeed to, possess, and be entitled to receive from the Government of the United States, all and singular the grants, benefits, annuities, guarantees, acts, and things to be done and performed, and be subject to the same terms, conditions, restrictions, and requirements which said companies respectively, at the time of such consolidation, are or may be entitled or subject to under this act, in place and substitution of said companies so consolidated respectively. And all other provisions of this act, so far as applicable, relating or in any manner appertaining to the companies so consolidated, or either thereof, shall apply and be of force as to such consolidated organization. And in case upon the completion by such consolidated organization of the roads, or either of them, of the companies so consolidated, any other of the road or roads of either of the other companies authorized as aforesaid, (and forming, or intended or necessary to form, a portion of a continuous line from each of the several points on the Missouri River, hereinbefore designated, to the Pacific coast,) shall not have constructed the number of miles of its said road within the time herein required, such consolidated organization is hereby authorized to continue the construction of its road and telegraph in the general direction and route upon which such incomplete or unconstructed road is hereinbefore authorized to be built, until such continuation of the road of such consolidated organization shall reach the constructed road and telegraph of said other company, and at such point to connect and unite therewith; and for and in aid thereof the said consolidated organization may do and perform, in reference to such portion of road and telegraph as shall so be in continuation of its constructed road and telegraph, and to the construction and equipment thereof, all and singular, the several acts and things hereinbefore provided, authorized, or granted to be done by the company hereinbefore authorized to construct and equip the same, and shall be entitled to similar and like grants, benefits, immunities, guarantees, acts, and things to be done and performed by the Government of the United States, by the President of the United States, by the Secretaries of the Treasury and Interior, and by commissioners in reference to such company, and to such portions of the road hereinbefore authorized to be constructed by it, and upon the like and similar terms and conditions, so far as the same are applicable thereto. And said consolidated company shall pay to said defaulting company the value to be estimated by competent engineers of all the work done and material furnished by said defaulting company, which may be adopted and used by said consolidated company in the progress of the work under the provisions of this section: *Provided, nevertheless*, That said defaulting company may at any time, before receiving pay for its said work and material, as hereinbefore provided, on its own election, pay said consolidated company the value of the work done and material furnished by said consolidated company, to be estimated by competent engineers, necessary for, and used in, the construction of the road of said defaulting company, and resume the control of its said road; and all the rights, benefits, and privileges which shall be acquired, possessed, or exercised, pursuant to this section, shall be to that extent an abatement of the rights, benefits, and privileges hereinbefore granted to such other company. And in case any company authorized thereto, shall not enter into such consolidated organization, such company, upon the completion of its road as hereinbefore provided, shall be entitled to, and is hereby authorized to, continue and extend the same under the circumstances, and in accordance with the provisions of this section, and to have all the benefits thereof, as fully and completely as are herein provided, touching such consolidated organization. And in case more than one such consolidated organization shall be made, pursuant to this act, the terms and conditions of this act, hereinbefore recited as to one, shall apply in like manner, force, and effect to the other. *Provided, however*, That rights and interests at any time acquired by one such consolidated organization, shall not be impaired by another thereof. It is further provided that, should the Central Pacific Railroad Company of California complete their line to the eastern line of the State of California, before the line of the Union Pacific Railroad Company shall have been extended westward so as to meet the line of said first-

Powers and duties of consolidated organization.

Provided.

Provided.

named company, said first-named company may extend their line of road eastward one hundred and fifty miles on the established route, so as to meet and connect with the line of the Union Pacific road, complying in all respects with the provisions and restrictions of this act as to said Union Pacific road, and upon doing so, shall enjoy all the rights, privileges, and benefits conferred by this act on said Union Pacific Railroad Company.

- Branch from** **SEC. 17.** *And be it further enacted,* That so much of section fourteen of said act as relates to a branch from Sioux City be, and the same is hereby, amended so as to read as follows: That whenever a line of railroad shall be completed through the States of Iowa, or Minnesota, to Sioux City, such company, now organized or may hereafter be organized under the laws of Iowa, Minnesota, Dakota, or Nebraska, as the President of the United States, by its request, may designate or approve for that purpose, shall construct and operate a line of railroad and telegraph from Sioux City, upon the most direct and practicable route, to such a point on, and so as to connect with, the Iowa branch of the Union Pacific Railroad from Omaha, or the Union Pacific Railroad, as such company may select, and on the same terms and conditions as are provided in this act and the act to which this is an amendment, for the construction of the said Union and Pacific Railroad and telegraph line and branches; and said company shall complete the same at the rate of fifty miles per year: *Provided,* That said Union Pacific Railroad Company shall be, and is hereby, released from the construction of said branch. And said company constructing said branch shall not be entitled to receive in bonds an amount larger than the said Union Pacific Railroad Company would be entitled to receive if it had constructed the branch under this act and the act to which this is an amendment; but said company shall be entitled to receive alternate sections of land for ten miles in width on each side of the same along the whole length of said branch: *And provided, further,* That if a railroad should not be completed to Sioux City, across Iowa or Minnesota, within eighteen months from the date of this act, then said company designated by the President, as aforesaid, may commence, continue, and complete the construction of said branch as contemplated by the provisions of this act: *Provided, however,* That if the said company so designated by the President as aforesaid shall not complete the said branch from Sioux City to the Pacific Railroad within ten years from the passage of this act, then, and in that case, all of the railroad which shall have been constructed by said company shall be forfeited to, and become the property of, the United States.
- Union Pacific Railroad need not construct the branch.**
- Bonds.**
- Lands.**
- Time of completion.**
- Forfeiture, if, &c.**
- Burlington and Missouri River road may extend its road.**
- SEC. 18.** *And be it further enacted,* That the Burlington and Missouri River Railroad Company, a corporation organized under and by virtue of the laws of the State of Iowa, be, and hereby is, authorized to extend its road through the Territory of Nebraska from the point where it strikes the Missouri River, south of the mouth of the Platte River, to some point not further west than the one hundredth meridian of west longitude, so as to connect, by the most practicable route, with the main trunk of the Union Pacific Railroad, or that part of it which runs from Omaha to the said one hundredth meridian of west longitude. And, for the purpose of enabling said Burlington and Missouri River Railroad Company to construct that portion of their road herein authorized, the right of way through the public lands is hereby granted to said company for the construction of said road. And the right, power, and authority is hereby given to said company to take from the public lands adjacent to the line of said road, earth, stone, timber, and other materials for the construction thereof. Said right of way is granted to said company to the extent of two hundred feet where it may pass over the public lands, including all necessary grounds for stations, buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations. And the United States shall extinguish, as rapidly as may be, consistent with public policy and the welfare of the said Indians, the Indian titles to all lands falling under the operation of this section and required for the said right of way and grant of land herein made.
- Indian titles to be extinguished.**
- Lands granted.**
- SEC. 19.** *And be it further enacted,* That for the purpose of aiding in the construction of said road, there be, and hereby is, granted to the said Burlington and Missouri River Railroad Company, every alternate section of public land (excepting mineral lands as provided in this act) designated by odd numbers, to the amount of ten alternate sections per mile on each side of said road, on the line thereof, and not sold,

reserved, or otherwise disposed of by the United States, and to which a preëmption or homestead claim may not have attached at the time the line of said road is definitely fixed: *Provided*, That said company shall accept this grant within one year from the passage of this act, by filing such acceptance with the Secretary of the Interior, and shall also establish the line of said road, and file a map thereof with the Secretary of the Interior within one year of the date of said acceptance, when the said Secretary shall withdraw the lands embraced in this grant from market.

Provided.

SEC. 20. *And be it further enacted*, That whenever said Burlington and Missouri River Railroad Company shall have completed twenty consecutive miles of the road mentioned in the foregoing section, in the manner provided for other roads mentioned in this act, and the act to which this is an amendment, the President of the United States shall appoint three commissioners to examine and report to him in relation thereto; and if it shall appear to him that twenty miles of said road have been completed as required by this act, then, upon certificate of said commissioner[s] to that effect, patents shall issue conveying the right and title to said lands to said company on each side of said road, as far as the same is completed, to the amount aforesaid; and such examination, report, and conveyance, by patents, shall continue from time to time, in like manner, until said road shall have been completed. And the President shall appoint said commissioners, fill vacancies in said commission, as provided in relation to other roads mentioned in the act to which this is an amendment. And the said company shall be entitled to all the privileges and immunities granted to the Hannibal and Saint Joseph's Railroad Company by the said last-mentioned act, so far as the same may be applicable: *Provided*, That no Government bonds shall be issued to the said Burlington and Missouri River Railroad Company to aid in the construction of said extension of its road: *And provided, further*, That said extension shall be completed within the period of ten years from the passage of this act.

Commission to be appointed.

Patents to issue.

Provided.

SEC. 21. *And be it further enacted*, That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act, there shall first be paid into the Treasury of the United States, the cost of surveying, selecting, and conveying the same, by the said company or party in interest, as the titles shall be required by said company, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and so from year to year until the whole shall be completed, as provided under the provisions of this act.

Cost of surveying, &c., to be paid before conveyances are made.

SEC. 22. *And be it further enacted*, That, Congress may, at any time, alter, amend, or repeal this act. (a)

This act may be altered, &c.

(a) See Nos. 2092, 2093, 2094, 2097, 2098, 2099, 2100, 2105, 2106, 2107, 2112, 2113, 2115, 2116, 2118, 2121, 2122, 2124, 2129, 2130.

(b) See No. 2104.

No. 2097.—AN ACT for increased facilities of telegraph communication between the Atlantic and Pacific States and the Territory of Idaho.

July 2, 1864.
Vol. 13, p. 373.

Be it enacted, &c., That the United States Telegraph Company, and their associates, are hereby authorized to erect a line or lines of magnetic telegraph between the Missouri River and the city of San Francisco, in the State of California, on such route as they may select, to connect with the lines of the said United States Telegraph Company, now constructed, and being constructed through the States of the Union. The said company shall have the use of such unoccupied land of the United States as may be necessary for the right of way, and materials, and for the establishing of stations along said line for repairs, not exceeding at any station one quarter-section of land; and such stations not to exceed one in fifteen miles on the average of the whole line, unless said lands shall be required by the Government of the United States for railroad or other purposes: *And provided*, That no right to preëmpt any of said lands under the laws of the United States shall enure to said company or their agents, or any other person or persons whatsoever.

The United States Telegraph Company may erect lines between the Missouri River and San Francisco, to connect with other lines.
Right of way, &c.
Stations.

No right to preemption.

Line of telegraph from Fort Hall to Portland Oregon, &c.

SEC. 2. *And be it further enacted*, That the said United States Telegraph Company, under the direction of the President of the United States, is hereby authorized to erect a line of telegraph from Fort Hall, by Walla-Walla and the Dalles and San Francisco to Portland, in the State of Oregon, and from Fort Hall to Bannock and Virginia City, in the Territory of Idaho, with the same privileges as to the right of way, and so forth, as is provided in the first section of this act; the United States to have priority in the use of said lines of telegraph to Oregon and Idaho.

This company may send, &c., dispatches over other lines, upon, &c.

SEC. 3. *And be it further enacted*, That the aforesaid company is authorized by this act to send and receive despatches on payment of the regular charges for transmission of despatches over any line that may now or hereafter be constructed by the authority or aid of Congress, to connect with any line or lines authorized or erected by the Russian or English Governments, and that all despatches received by said line or lines shall be transmitted in the order of their reception, and the answers thereto shall be delivered to said United States Telegraph Company for transmission over their lines to the office whence the original message was sent, whenever so directed by the sender thereof.

Dispatches to be transmitted in order of reception.

Certain railroad companies may make arrangements with this telegraph company.

SEC. 4. *And be it further enacted*, That the several railroad companies authorized by act of Congress July one, eighteen hundred and sixty-two, are authorized to enter into arrangements with the United States Telegraph Company so that the line of telegraph between the Missouri River and San Francisco may be made upon and along the line of said railroad and branches as fast as said roads and branches are built, and if said arrangements be entered into and the transfer of said telegraph line be made in accordance therewith to the line of said railroads and branches, such transfer shall, for all purposes of the act referred to, be held and considered a fulfilment on the part of said railroad companies of the provision of the act in regard to the construction of a telegraph line; and, in case of disagreement, said telegraph company are authorized to remove their line of telegraph along and upon the line of railroad therein contemplated, without prejudice to the rights of said railroad companies. (a)

(a) See Nos. 2092, 2093, 2094, 2096, 2098, 2099, 2100, 2105, 2106, 2107, 2112, 2113, 2115, 2116, 2121, 2122, 2124, 2129, 2130.

March 3, 1866.
Vol. 13, p. 504.

NO. 2098.—AN ACT to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July first, eighteen hundred and sixty-two, and to amend an act amendatory thereof, approved July second, eighteen hundred and sixty-four.

Certain railroads may issue bonds on their separate roads.

Be it enacted, &c., That section ten of said act of July second, eighteen hundred and sixty-four, be so modified and amended as to allow the Central Pacific Railroad Company, and the Western Pacific Railroad Company, of California, the Union Pacific Railroad Company, the Union Pacific Railroad Company, eastern division, and all other companies provided for in the said act of the second of July, eighteen hundred and sixty-four, to issue their six per centum thirty years' bonds, interest payable in any lawful money of the United States, upon their separate roads. And the said companies are hereby authorized to issue, respectively, their bonds to the extent of one hundred miles in advance of a continuous completed line of construction. (a)

Authority to issue.

(a) See Nos. 2092, 2093, 2094, 2096, 2097, 2099, 2100, 2105, 2106, 2107, 2112, 2113, 2115, 2116, 2121, 2122, 2124, 2129, 2130.

July 3, 1866.
Vol. 14, p. 79.

NO. 2099.—AN ACT to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

Location of Union Pacific Railroad Company from Omaha westward.

SEC. 2. *And be it further enacted*, That the Union Pacific Railroad Company, with the consent and approval of the Secretary of the Interior, are hereby authorized to locate, construct, and continue their road from Omaha, in Nebraska Territory, westward, according to the best and most practicable route, and without reference to the initial point on the one hundredth meridian of west longitude, as now pro-

vided by law, in a continuous completed line, until they shall meet and connect with the Central Pacific Railroad Company of California; and the Central Pacific Railroad Company of California, with the consent and approval of the Secretary of the Interior, are hereby authorized to locate, construct, and continue their road eastward, in a continuous completed line, until they shall meet and connect with the Union Pacific Railroad: *Provided*, That each of the above-named companies shall have the right, when the nature of the work to be done, by reason of deep cuts and tunnels, shall for the expeditious construction of the Pacific Railroad require it, to work for an extent of not to exceed three hundred miles in advance of their continuous completed lines. (a)

Of Central Pacific Railroad Company eastward.

Work may be done on not over 300 miles in advance of continuous completed lines.

(a) See Nos. 2092, 2093, 2094, 2096, 2097, 2098, 2100, 2105, 2106, 2107, 2112, 2113, 2115, 2116, 2118, 2121, 2122, 2124, 2129, 2130.

No. 2100.—A RESOLUTION granting the right of way through military reserves to the Union Pacific Railroad Company and its branches.

July 26, 1866.
Vol. 14, p. 367.

Resolved, &c., That, subject to approval by the President, the right of way, one hundred feet in width, is hereby granted to the Union Pacific Railroad Company and the companies constructing the branch roads connecting therewith, for the construction and operation of their roads over and upon all military reserves through which the same may pass; and the President is hereby authorized to set apart to the Union Pacific Railway Company, eastern division, twenty acres of the Fort Riley military reservation, for depot and other purposes, in the bottom opposite "Riley City"; also fractional section "one" on the west side of said reservation, near Junction City, for the same purposes; and also to restore, from time to time, to the public domain, any portion of said military reserve over which the Union Pacific Railroad, or any of its branches, may pass, and which shall not be required for military purposes: *Provided*, That the President shall not permit the location of any such railroad or the diminution of any such reserve in any manner so as to impair its usefulness for military purposes, so long as it shall be required therefor. (a)

Right of way granted to the Union Pacific Railroad Company and its branches through the military reserves.

Grant for depot and other purposes.

Such portions of these reserves as are not needed for military purposes to be restored to public domain.

Usefulness for military purposes not to be interfered with.

(a) See Nos. 2092, 2093, 2094, 2096, 2097, 2098, 2099, 2105, 2106, 2107, 2112, 2113, 2115, 2116, 2118, 2121, 2122, 2124, 2129, 2130.

No. 2101.—AN ACT to remove the office of surveyor-general of the States of Iowa and Wisconsin to Plattsmouth, Nebraska.

July 28, 1866.
Vol. 14, p. 344.

Be it enacted, &c., That it shall be the duty of the Secretary of the Interior, as soon after the passage of this act as may be, to cause the office of surveyor-general of Iowa and Wisconsin to be removed to Plattsmouth in the Territory of Nebraska, and to make the necessary provisions for immediate and effective operations; and when so removed the duties and jurisdiction of said surveyor-general shall be co-extensive with the limits of the Territory of Nebraska, and include the State of Iowa, and the same shall constitute a surveying district.

Office of surveyor-general of Iowa and Wisconsin to be removed to Plattsmouth, Nebraska.

Nebraska and Iowa to constitute a surveying district.

SEC. 2. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be, and the same are hereby, repealed. (a)

Repealing clause.

(a) See Nos. 1999, 2093.

No. 2102.—AN ACT for the admission of the State of Nebraska into the Union.

Feb. 9, 1867.
Vol. 14, p. 391.

Whereas, on the *twenty-first* [nineteenth] day of *March*, [April,] anno Domini eighteen hundred and sixty-four, Congress passed an act to enable the people of Nebraska to form a constitution and State government, and offered to admit said State, when so formed, into the Union, upon compliance with certain conditions therein specified; and whereas it appears that the said people have adopted a constitution which, upon due examination, is found to conform to the provisions and comply with the conditions of said act, and to be republican in its form of government, and that they now ask for admission into the Union: Therefore—

Preamble.

Nebraska declared to be one of the United States of America.

The State to be entitled to the privileges and subject to the conditions of the enabling act.

Fundamental conditions of this act.

Elective franchise not to be denied, &c.

Assent of State to be declared by solemn act and copy transmitted to the President who shall proclaim the fact.

Admission then to be complete.

State legislature to be convened within thirty days.

Be it enacted, &c. That the constitution and State government which the people of Nebraska have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed, and that the said State of Nebraska shall be, and is hereby declared to be, one of the United States of America, and is hereby admitted into the Union upon an equal footing with the original States in all respects whatsoever.

SEC. 2. *And be it further enacted*, That the said State of Nebraska shall be, and is hereby declared to be, entitled to all the rights, privileges, grants, and immunities, and to be subject to all the conditions and restrictions, of an act entitled "An act to enable the people of Nebraska to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," approved April nineteenth, eighteen hundred and sixty-four.

SEC. 3. *And be it further enacted*, That this act shall not take effect except upon the fundamental condition that within the State of Nebraska there shall be no denial of the elective franchise, or of any other right, to any person, by reason of race or color, excepting Indians not taxed; and upon the further fundamental condition that the legislature of said State, by a solemn public act, shall declare the assent of said State to the said fundamental condition, and shall transmit to the President of the United States an authentic copy of said act; upon receipt whereof the President, by proclamation, shall forthwith announce the fact, whereupon said fundamental condition shall be held as a part of the organic law of the State; and thereupon, and without any further proceeding on the part of Congress, the admission of said State into the Union, shall be considered as complete. Said State legislature shall be convened by the Territorial governor within thirty days after the passage of this act, to act upon the condition submitted herein. (a)

(a) See Nos. 2082, 2091, 2095, 2103, 2114.

March 1, 1867.
Vol. 14, p. 820.

Preamble.

No. 2103.—A PROCLAMATION by the President of the United States of America.

Whereas the Congress of the United States did, by an act approved on the nineteenth day of April, one thousand eight hundred and sixty-four, authorize the people of the Territory of Nebraska to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, upon certain conditions in said act specified; and whereas said people did adopt a constitution conforming to the provisions and conditions of said act, and ask admission into the Union; and whereas the Congress of the United States did, on the eighth and ninth days of February, one thousand eight hundred and sixty-seven, in mode prescribed by the Constitution, pass a further act for the admission of the State of Nebraska into the Union, in which last-named act it was provided that it should not take effect except upon the fundamental condition that within the State of Nebraska there should be no denial of the elective franchise or of any other right to any person by reason of race or color, excepting Indians not taxed, and upon the further fundamental condition that the legislature of said State, by a solemn public act, should declare the assent of said State to the said fundamental condition, and should transmit to the President of the United States an authenticated copy of said act of the legislature of said State, upon receipt whereof the President, by proclamation, should forthwith announce the fact, whereupon said fundamental condition should be held as a part of the organic law of the State, and thereupon, and without any further proceeding on the part of Congress, the admission of said State into the Union should be considered as complete; and whereas within the time prescribed by said act of Congress of the eighth and ninth of February, one thousand eight hundred and sixty-seven, the legislature of the State of Nebraska did pass an act ratifying the said act of Congress of the eighth and ninth of February, one thousand eight hundred and sixty-seven, and declaring that the aforementioned provisions of the third section of said last-named act of Congress should be a part of the organic law of the State of Nebraska; and whereas a duly authenticated copy of said act of the legislature of the State of Nebraska has been received by me:

Now, therefore, I, Andrew Johnson, President of the United States of America, do, in accordance with the provisions of the act of Congress last herein named, declare and proclaim the fact that the fundamental conditions imposed by Congress on the State of Nebraska to entitle that-

Admission of the State of Nebraska into the

State to admission to the Union have been ratified and accepted, and that the admission of the said State into the Union is now complete. (a) Union declared to be complete.

In testimony whereof I have hereto set my hand, and have caused the seal of the United States to be affixed.

Done at the city of Washington, this first day of March, in the year of our Lord one thousand eight hundred and sixty-seven, and of the Independence of the United States of America the ninety-first.

[SEAL.]

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State*.

(a) See Nos. 2082, 2091, 2095, 2102, 2114.

No. 2104.—AN ACT extending to the State of Nebraska the provisions of an act relating to agricultural colleges. March 30, 1867. Vol. 15, p. 13.

Be it enacted, &c., That the grant made by law of the second day of July, eighteen hundred and sixty-two, to each State, of land equal to thirty thousand acres for each of its Senators and Representatives in Congress, for the purpose of establishing agricultural colleges, is extended to the State of Nebraska in the same manner as if Nebraska had been a State of the Union at the date of the passage of said law. (a) Land granted to Nebraska for agricultural colleges.

(a) See No. 2096.

No. 2105.—JOINT RESOLUTION changing the time of holding the annual meeting of the stockholders of the Union Pacific Railroad Company. Dec. 20, 1867. Vol. 15, p. 245.

Be it resolved, &c., That the time of holding the annual meeting of the stockholders of the Union Pacific Railroad Company for the choice of directors is hereby changed from the first Wednesday in October to the first Wednesday following the fourth day of March, and the stockholders are authorized to determine the place at which such annual meeting shall be held at the last annual meeting of the stockholders immediately preceding such annual meeting: *Provided*, The same shall be held at either of the cities of New York, Washington, Boston, Baltimore, Philadelphia, Cincinnati, Chicago, or Saint Louis: *And provided further*, That on the election of directors herein provided for, to take place in March, anno Domini eighteen hundred and sixty-eight, the terms of office of all persons then acting or claiming the right to act as directors of said company shall cease and determine. (a) Time and place of annual meeting of stockholders of Union Pacific Railroad Company.

Term of president directors to cease when, &c.

(a) See Nos. 2092, 2093, 2094, 2096, 2097, 2098, 2099, 2100, 2106, 2107, 2112, 2113, 2115, 2116, 2118, 2121, 2122, 2124, 2129, 2130.

No. 2106.—AN ACT restoring lands to market along the line of the Pacific Railroad and branches. March 6, 1868. Vol. 15, p. 39.

Be it enacted, &c., That nothing in the act approved July first, eighteen hundred and sixty-two, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and the acts amendatory thereof, (a) shall be held to authorize the withdrawal or exclusion from settlement and entry, under the provisions of the pre-emption or homestead laws, the even-numbered sections along the routes of the several roads therein mentioned which have been or may be hereafter located: *Provided*, That such sections shall be rated at two dollars and fifty cents per acre, and subject only to entry under those laws; and the Secretary of the Interior be, and is hereby, authorized and directed to restore to homestead settlement, pre-emption, or entry, according to existing laws, all the even-numbered sections of land belonging to the Government, and now withdrawn from market, on both sides of the Pacific Railroad and branches, wherever said road and branches have been definitely located. (b) Lands on line of Pacific Railroad and branches restored to market.

Price of lands.

Homestead and pre-emption rights.

(a) See Nos. 2092, 2093, 2094, 2096, 2097, 2098, 2099, 2100, 2105, 2107, 2112, 2113, 2115, 2116, 2118, 2121, 2122, 2124, 2129, 2130.

(b) See Nos. 1999, 2079, 2083, 2085, 2108, 2109, 2110, 2117, 2120, 2126, 2127, 2128, 2131, 2132.

No. 2107.—AN ACT relative to filing reports of railroad companies.

June 25, 1868.

Be it enacted, &c., That the reports required to be made to the Secretary of the Treasury on or before the first day of July of each year, by the corporations created by or entitled to subsidies under the provisions of an act entitled "An act to aid in the construction of a railroad and Reports of certain railroads to be made on or be-

Vol. 15, p. 79.

fore October 1st, in each year to Secretary of Interior.

To contain what.

Former reports.

Reports of Northern Pacific, Atlantic and Pacific, and Southern Pacific, to be made when, &c.

Reports of commissioners to be made to Department of the Interior.

Repealing clause.

Reports of engineers and other officers who make reports to be furnished.

telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July first, eighteen hundred and sixty-two, and the acts supplemental to and amendatory thereof, shall hereafter be made to the Secretary of the Interior, on or before the first day of October of each year. Said reports shall furnish full and specific information upon the several points mentioned in the twentieth section of the said act of eighteen hundred and sixty-two, and shall be verified as therein prescribed, and on failure to make the same as herein required, the issue of bonds or patents to the company in default shall be suspended until the requirements of this act shall be complied with by such company. And the reports hitherto made to the Secretary of the Treasury under the said act of July first, eighteen hundred and sixty-two, shall be transferred and delivered by him to the Secretary of the Interior to be filed by him.

SEC. 2. *And be it further enacted*, That the corporations created by the provisions of the acts of Congress approved July second, eighteen hundred and sixty-four, and July twenty-seventh, eighteen hundred and sixty-six, and known as the Northern Pacific Railroad Company, the Atlantic and Pacific Railroad Company, and the Southern Pacific Railroad Company, shall make reports to the Secretary of the Interior on or before the first of October of each year, as are required to be made by the Union Pacific Railroad and branches, under the provisions of the first section of this act, and on failure so to do, shall be subject to the like suspension.

SEC. 3. *And be it further enacted*, That the reports required from the commissioners appointed to examine and report in relation to the road of any of the corporations whereto reference is made in this act, shall be addressed to and filed in the Department of the Interior; and all such reports heretofore made shall be transferred to and filed in said Department of the Interior; and so much of any and all acts as requires any reports from such companies, or any officers thereof, to be made to the Secretary of the Treasury, is hereby repealed.

SEC. 4. *And be it further enacted*, That, in addition to the eight subjects referred to in section twenty of the act of July, eighteen hundred and sixty-two, to be reported upon, there shall also be furnished annually to the Secretary of the Interior all reports of engineers, superintendents, or other officers who make annual reports to any of said railroad companies. (a)

(a) See Nos. 2092, 2093, 2094, 2096, 2097, 2098, 2099, 2100, 2105, 2106, 2112, 2113, 2115, 2116, 2118, 2121, 2122, 2124, 2129, 2130.

July 25, 1868.
Vol. 15, p. 186.

Title to certain lands in the city of Omaha, Nebraska, confirmed.

Proviso.
Certain lots excepted.

No. 2108.—AN ACT to confirm the title to certain lands in the State of Nebraska.

Be it enacted, &c., That in all cases in which the Commissioner of the General Land Office, or the Secretary of the Interior, has finally decided in favor of pre-emption settlers or the locators of Indian or half-breed scrip, and issued patents to them for lands within the corporate limits of the city of Omaha, (a) in the State of Nebraska, the right and title of the patentee or patentees shall not be defeated or impaired because such land was within the said corporate limits, but if good in every other respect the title shall be good and valid notwithstanding such lands may have been within the said corporate limits, and notwithstanding the entry thereof, by any pre-emptor, or locator of Indian or half-breed scrip, was forbidden by the tenth section of the act of September fourth, eighteen hundred and forty-one, because so within said limits: *Provided*, That the following tracts of lands, to wit: the north half of the northwest quarter of section fifteen; the west half of the southwest quarter of section ten; the east half of the southeast quarter, and the northwest quarter of the southeast quarter of section nine; township fifteen north of range thirteen, east of the sixth principal meridian, are hereby excepted from the operation of this act. (b)

(a) See No. 2110.

(b) See Nos. 1999, 2079, 2083, 2085, 2106, 2109, 2110, 2117, 2120, 2126, 2127, 2128, 2131, 2132.

No. 2109.—AN ACT to establish a new land district in the State of Nebraska.July 27, 1868.
Vol. 15, p. 224.

Be it enacted, &c., That all that portion of the Omaha land district in the State of Nebraska included within the following limits, to wit: On the east by the line dividing ranges six and seven east; on the north by the line dividing townships twenty and twenty-one north; on the south by the south bank of the Platte River; and on the west by the west boundary of the State, shall constitute an additional land district, to be called the "Grand Island" district, the location of the office for which shall be designated by the President of the United States, and shall by him, from time to time, be changed as the public interest may seem to require.

Grand Island
land district es-
tablished in Ne-
braska.
Boundaries,
&c.

SEC. 2. *And be it further enacted,* That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said land district, who shall be required to reside at the site of their office, have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties which are or may be prescribed by law in relation to other land officers in said State. (a)

Register and
receiver.

SEC. 3. *And be it further enacted,* That the President is hereby authorized to cause the public lands in said district, with the exception of such as may have been or may be reserved for other purposes, to be exposed to sale in the same manner and upon the same terms and conditions as other public lands of the United States: (b) *Provided,* That all sales and locations made at the office of the old district of lands situated within the limits of the new district which shall be valid and right in other respects, up to the day on which the new office shall go into operation, be, and the same are hereby, confirmed.

Lands therein,
not reserved, to
be exposed to
sale.

Proviso.

(a) See Nos. 1999, 2083, 2085, 2119.

(b) See Nos. 1999, 2079, 2083, 2085, 2106, 2108, 2110, 2117, 2120, 2126, 2127, 2128, 2131, 2132.

No. 2110.—AN ACT supplementary to an act entitled "An act to confirm the titles to certain lands in the State of Nebraska."Feb. 2, 1869.
Vol. 15, p. 269.

Be it enacted, &c., That the provisions and benefits of an act entitled "An act to confirm the titles to certain lands in the State of Nebraska," approved the twenty-fifth day of July, anno Domini eighteen hundred and sixty-eight, (a) be, and the same are hereby, extended to the east half and northwest quarter of the southeast quarter of section nine, township fifteen, range thirteen east, sixth principal meridian, in Douglas County, Nebraska, and that the title to the same is hereby confirmed to the parties holding by deed from the patentee. (b)

Provisions of
former act con-
cerning lands in
Nebraska, ex-
tended.

(a) See No. 2108.

(b) See Nos. 1999, 2079, 2083, 2085, 2106, 2108, 2109, 2117, 2120, 2126, 2127, 2128, 2131, 2132.

No. 2111.—AN ACT to confirm an entry of land by Moses F. Shinn.March 1, 1869.
Vol. 15, p. 442.

Be it enacted, &c., That the entry by Moses F. Shinn, of the northeast quarter of section sixteen, in township fifteen, north of range thirteen east, in the district of lands subject to sale at Omaha, Nebraska, made on the twenty-second day of August, eighteen hundred and sixty-six, by cash certificate number one thousand nine hundred and thirty-one, be and the same is hereby confirmed.

Entry of land
by Moses F.
Shinn confirmed.**No. 2112.—A RESOLUTION in relation to the Burlington and Missouri River Railroad branch of the Union Pacific Railroad.**April 10, 1869.
Vol. 16, p. 54.

Resolved, &c., That the act of Congress, approved July [June] two, eighteen hundred and sixty-four, granting certain lands to the Burlington and Missouri River Railroad Company, to aid in extending its road through the then Territory of Nebraska, to connect with the Union Pacific Railroad, shall be so construed as to authorize said Burlington and Missouri River Railroad Company to assign and convey to a railroad company, to be organized under the laws of the State of Nebraska, all the rights, powers, and privileges granted and conferred by said act, and subject to all the conditions and requirements therein contained. (a)

Burlington and
Missouri River
Railroad Com-
pany may assign,
&c., its rights un-
der act of 1864.

(a) See Nos. 2092, 2093, 2094, 2096, 2097, 2098, 2099, 2100, 2105, 2106, 2107, 2113, 2115, 2116, 2118, 2121, 2122, 2124, 2125, 2130.

April 10, 1869.
Vol. 16, p. 56.

No. 2113.—JOINT RESOLUTION for the protection of the interests of the United States in the Union Pacific Railroad Company, the Central Pacific Railroad Company, and for other purposes.

Be it resolved, &c., That the stockholders of the Union Pacific Railroad Company, at a meeting to be held on the twenty-second day of April, eighteen hundred and sixty-nine, at the city of Boston, (with power to adjourn from day to day,) shall elect a board of directors for the ensuing year; and said stockholders are hereby authorized to establish their general office at such place in the United States as they may select at said meeting: *Provided*, That the passage of this resolution shall not confer any other right upon said Union Pacific Railroad Company than to hold such election, or be held in any manner to relinquish or waive any rights of the United States to take advantage of any act or neglect of said Union Pacific Railroad Company heretofore done or omitted whereby the rights of the General Government have been or may be prejudiced: *And provided, further*, That the common terminus of the Union Pacific and the Central Pacific Railroads shall be at or near Ogden; and the Union Pacific Railroad Company shall build, and the Central Pacific Railroad Company pay for and own the railroad from the terminus aforesaid to Promontory Summit, at which point the rails shall meet and connect and form one continuous line.

To establish their general office.
No other right conferred or waived hereby.
Common terminus of the Union Pacific and Central Pacific Railroads to be at or near Ogden, &c.
The President to appoint a commission to examine and report upon the roads.
Expenses and pay of commissioners.
Subsidy bonds to be withheld sufficient to secure the full completion, as a first-class road, of all sections of such road, &c.
If the amount to be issued is insufficient, &c.

SEC. 2. *And be it further resolved*, That, to ascertain the condition of the Union Pacific Railroad and the Central Pacific Railroad, the President of the United States is authorized to appoint a board of eminent citizens, not exceeding five in number, and who shall not be interested in either road, to examine and report upon the condition of, and what sum or sums, if any, will be required to complete each of said roads, for the entire length thereof, to the said terminus as a first-class railroad, in compliance with the several acts relating to said roads; and the expense of such board, including an allowance of ten dollars to each for their services for each day employed in such examination or report, to be paid equally by said companies.

SEC. 3 *And be it further resolved*, That the President is hereby authorized and required to withhold from each of said companies an amount of subsidy bonds authorized to be issued by the United States under said acts sufficient to secure the full completion as a first-class road of all sections of such road upon which bonds have already been issued, or in lieu of such bonds he may receive as such security an equal amount of the first-mortgage bonds of such company; and if it shall appear to the President that the amount of subsidy bonds yet to be issued to either of said companies is insufficient to insure the full completion of such road, he may make requisition upon such company for a sufficient amount of bonds already issued to said company, or in his discretion of their first-mortgage bonds, to secure the full completion of the same. And in default of obtaining such security as [is] in this section provided, the President may authorize and direct the Attorney-General to institute such suits and proceedings on behalf and in the name of the United States, in any court of the United States having jurisdiction, as shall be necessary or proper to compel the giving of such security, and thereby, or in any manner otherwise, to protect the interests of the United States in said road, and to insure the full completion thereof as a first-class road, as required by law and the statutes in that case made.

SEC. 4. *And be it further resolved*, That the Attorney-General of the United States be, and he is hereby, authorized and directed to investigate whether or not the charter and all the franchisees of the Union Pacific Railroad Company and of the Central Pacific Railroad Company have not been forfeited, and to institute all necessary and proper legal proceedings: also to investigate whether or not said companies have or have not made any illegal dividends upon their stock, and if so to institute the necessary proceedings to have the same reimbursed; and also to investigate whether any of the directors or any other agents or employees of said companies have or not violated any penal law, and if so to institute the proper criminal proceedings against all persons who have violated such laws. (a)

(a) See Nos. 2092, 2093, 2094, 2096, 2097, 2098, 2099, 2100, 2105, 2106, 2107, 2112, 2115, 2116, 2118, 2121, 2122, 2124, 2129, 2130.

Attorney-General to institute necessary suits.
Attorney-General to investigate whether the charter of the Union Pacific and Central Pacific Railroads has not been forfeited, &c.
To institute criminal proceedings, if, &c.

No. 2114.—AN ACT to re-define a portion of the boundary line between the State of Nebraska and the Territory of Dakota.

April 28, 1870.
Vol. 16, p. 93.

Be it enacted, &c., That so soon as the State of Nebraska, through her legislature, has given her consent thereto, the centre of the main channel of the Missouri River shall be the boundary line between the State of Nebraska and the Territory of Dakota, between the following points, to wit: Commencing at a point in the centre of said main channel, north of the west line of section twenty-four in township twenty-nine north, of range eight east of the sixth principal meridian, and running along the same to a point west of the most northerly portion of fractional section seventeen, of township twenty-nine north, of range nine east of said meridian, in the State of Nebraska, as meandered and shown by the plats and surveys of said sections originally made and now on file in the General Land Office.

Boundary between Nebraska and Dakota.

SEC. 2. *And be it further enacted,* That the respective jurisdictions of said State and Territory (and of the United States) shall extend to and over all the territory, within their limits, according to the line herein designated, to all intents and purposes as fully and completely as if no change had taken place in the channel of said Missouri River. And the Secretary of the Interior is hereby authorized and required to cause to be made all necessary surveys and meanderings, and to order the transfer of all plats, papers, and documents which may be necessary in the premises. (a)

Jurisdictions.

Surveys and transfer of plats, papers, &c.

(a) See Nos. 2082, 2091, 2095, 2102, 2103.

No. 2115.—AN ACT to authorize the Burlington and Missouri River Railroad Company, or its assigns, to change the established line of said road in the State of Nebraska.

May 6, 1870.
Vol. 16, p. 118.

Be it enacted, &c., That the Burlington and Missouri River Railroad Company, or its assigns, in the State of Nebraska, may so far change the location of that portion of its line that lies west of the city of Lincoln, in said State, as shown by the map thereof now on file in the General Land Office of the United States, so as to secure a better and more practicable route, and to connect with the Union Pacific Railroad at or near the Fort Kearney Reservation, said new line to be located within the limits of the land grant made by the United States to aid in its construction: *Provided, however,* That said line shall not be located farther south than the so[u]thern boundary line of township number seven, in said State, and said change shall not impair the rights to, nor change the location of the said land grant, and the said company, or its assigns, shall receive no different or other or greater quantity of land than if this act had not passed, and no change had been made in the located line of said railroad. (a)

Burlington and Missouri River Railroad Company may change part of its location in Nebraska.

Provided.

(a) See Nos. 2092, 2093, 2094, 2096, 2097, 2098, 2099, 2100, 2105, 2106, 2107, 2112, 2113, 2116, 2118, 2121, 2122, 2124, 2129, 2130.

No. 2116.—AN ACT to fix the point of junction of the Union Pacific Railroad Company and the Central Pacific Railroad Company.

May 6, 1870.
Vol. 16, p. 121.

[See UTAH, No. 2203.]

No. 2117.—AN ACT for the relief of pre-emption settlers in the State of Nebraska.

July 7, 1870.
Vol. 16, p. 188.

Be it enacted, &c., That settlers upon the public domain within the limits of the State of Nebraska, who, prior to the first day of January, eighteen hundred and seventy, had filed their declaratory statements under the pre-emption laws for tracts once offered at public sale and afterwards included in the lateral limits of any withdrawal for railroad grants, where such lands were at date of filing, as aforesaid, subject to disposal, under said pre-emption laws, and who, through erroneous belief that by such withdrawal the lands so settled upon and claimed became subject to the designation of "unoffered" lands, have failed to make the proof and payment required by law within one year from the date of alleged settlement, shall be, and are hereby, allowed and authorized to make such proof and payment within one year from the passage of this act, upon showing a full compliance with all other provisions of the pre-emption laws: *Provided,* That such settlements were upon the even-numbered sections, and do not include cases declared to be invalid by the Commissioner of the General Land Office. (a)

Certain pre-emption settlers in Nebraska to have one year from the passage of this act to make proof and payment.

Provided.

(a) See Nos. 1999, 2072, 2083, 2085, 2106, 2108, 2109, 2110, 2120, 2126, 2127, 2128, 2131, 2132.

Feb. 24, 1871.
Vol. 16, p. 430.

No. 2118.—AN ACT to authorize the Union Pacific Railroad Company to issue its bonds to construct a bridge across the Missouri River at Omaha, Nebraska, and Council Bluffs, Iowa.

Union Pacific Railroad Company may issue bonds, &c., to construct, &c., a bridge across the Missouri River at Omaha.
Construction of bridge; tolls, &c.

Be it enacted, &c., That for the more perfect connection of any railroads that are or shall be constructed to the Missouri River, at or near Council Bluffs, Iowa, and Omaha, Nebraska, the Union Pacific Railroad Company be, and it is hereby, authorized to issue such bonds, and secure the same by mortgage on the bridge and approaches and appurtenances, as it may deem needful to construct and maintain its bridge over said river, and the tracks and depots required to perfect the same, as now authorized by law of Congress; and said bridge may be so constructed as to provide for the passage of ordinary vehicles and travel, and said company may levy and collect tolls and charges for the use of the same; and for the use and protection of said bridge and property, the Union Pacific Railway Company shall be empowered, governed, and limited by the provisions of the act entitled "An act to authorize the construction of certain bridges, and to establish them as post-roads," approved July twenty-five, eighteen hundred and sixty-six, so far as the same is applicable thereto: *And provided,* That nothing in this act shall be so construed as to change the eastern terminus of the Union Pacific Railroad from the place where it is now fixed under existing laws, nor to release said Union Pacific Railroad Company, or its successors, from its obligation as established by existing laws: *Provided also,* That Congress shall at all times have power to regulate said bridge, and the rates for the transportation of freight and passengers over the same, and the local travel hereinbefore provided for. And the amount of bonds herein authorized shall not exceed two and a half millions of dollars: *Provided,* That if said bridge shall be constructed as a drawbridge, the same shall be constructed with spans of not less than two hundred feet in length in the clear on each side of the central or pivot pier of the draw. (a)

(a) See Nos. 2092, 2093, 2094, 2096, 2097, 2098, 2099, 2100, 2105, 2106, 2107, 2112, 2113, 2115, 2116, 2121, 2122, 2124, 2129, 2130.

April 23, 1872.
Vol. 17, p. 54.

No. 2119.—AN ACT to erect two new land districts in the State of Nebraska.

Western land district established in Nebraska.
Republican Valley district.

Be it enacted, &c., That all that part of the State of Nebraska which lies west of range twenty-eight west of the sixth principal meridian, in the State of Nebraska, be, and the same is hereby, constituted and erected into a new land district, to be named and called the Western district.

SEC. 2. That all those parts of the present South Platte and Nemaha districts, in the State of Nebraska, which lie west of range four and east of range twenty-eight west of the sixth principal meridian be, and the same are hereby, erected into and constituted a new land district, to be named and called the Republican Valley district.

Register and receiver for each district, their residence, duties, and pay.

SEC. 3. That the President be, and he is hereby, authorized and directed to appoint, by and with the advice and consent of the Senate, a register and a receiver for each of said land districts, who shall be required to reside at the site of the land office in each case, respectively, and shall perform like duties and be entitled to receive the same amount of compensation, respectively, as are now prescribed by law for other land offices in said State. (a)

(a) See Nos. 1999, 2083, 2085, 2160.

June 10, 1872.
Vol. 17, p. 391.

No. 2120.—AN ACT for the relief of certain tribes of Indians in the northern superintendency.

Western part of reservation of the Omahas in Nebraska to be separated and surveyed, if, &c.

Be it enacted, &c., That with the consent and concurrence of the Omaha tribe of Indians, (a) expressed in open council in the usual manner, the Secretary of the Interior be, and hereby is, authorized to cause to be surveyed, if necessary, a portion of their reservation in the State of Nebraska, not exceeding fifty thousand acres, to be taken from the western part thereof, and to be separated from the remaining portion of said reservation by a line running along the section lines from north to south. The said land so separated shall be appraised by three competent commissioners, one of whom shall be selected by said Omaha tribe of Indians in open council, and the other two shall be appointed by the Secretary of the Interior. After the survey and appraisal of said lands, as herein provided, the Secretary of the Interior shall be, and hereby is, authorized to offer the same for sale for cash in hand;

To be appraised.

and sealed proposals, duly invited by public advertisements, shall be received for the same for tracts not exceeding one hundred and sixty acres each, and also for the entire body offered; and he shall be, and hereby is, authorized to accept the proposal for the entire tract, or the highest bids for separate tracts, whichever shall be deemed best for the interests of the Indians: *Provided*, That no bids for separate tracts shall be accepted which may be less than the appraised value of such tract, nor less than one dollar and twenty five cents per acre; or for the entire tract which shall be less than the aggregate appraised value of the same, nor less than one dollar and twenty-five cents per acre.

The proceeds of such sale shall be placed to the credit of said Indians on the books of the Treasury of the United States, and bear interest at the rate of five per centum per annum, payable semi-annually, except such portion thereof as the Secretary of the Interior, with the approval of the President of the United States, may deem necessary to be expended for their immediate use in improving and fencing farms, building houses, purchasing implements of agriculture and live stock, and in establishing and supporting schools: *Provided also*, That not more than twenty-five per centum of the principal of the aggregate amount of sales of said lands shall be expended in any one year: *Provided*, That no sale shall be approved unless the average sales of each of said parcels of said land shall be at least two dollars and fifty cents per acre. (b)

SEC. 2. That with the consent and concurrence of the Pawnee tribe of Indians, (c) expressed in open council in the usual manner, the Secretary of the Interior be, and hereby is, authorized to cause to be surveyed, if necessary, a portion of their reservation in the State of Nebraska, not exceeding fifty thousand acres, to be taken from that part of said reservation lying south of Loup Fork. The said lands so surveyed shall be appraised by three competent commissioners, one of whom shall be selected by the said Pawnee tribe of Indians in open council, and the other two shall be appointed by the Secretary of the Interior. After the survey and appraisement of said lands, as herein provided, the Secretary of the Interior shall be, and hereby is, authorized to offer the same for sale, for cash in hand, in the same manner and with the same restrictions as provided in the first section of this act relating to the Omaha lands; and the proceeds of such sale shall be placed to the credit of said Indians on the books of the Treasury of the United States, and bear interest at the rate of five per centum per annum, payable semi-annually, except such portion thereof as the Secretary of the Interior, with the approval of the President of the United States, may deem necessary to be expended for their immediate use, as directed in the first said section of this act. (b)

SEC. 3. That with the consent and concurrence of the Otoe and Missouri tribe of Indians, (d) expressed in open council in the usual manner, the Secretary of the Interior be, and hereby is, authorized to cause to be surveyed, if necessary, a portion of their reservation lying in the States of Nebraska and Kansas, not exceeding eighty thousand acres, to be taken from the western part thereof, lying west of the Big Blue River, part of said tract lying in the State of Nebraska, and part lying in the State of Kansas. The said lands so surveyed shall be appraised by three competent commissioners, one of whom shall be selected by said Otoe and Missouri tribe of Indians in open council, and the other two shall be appointed by the Secretary of the Interior. After the survey and appraisement of said lands, as herein provided, the Secretary of the Interior shall be, and hereby is, authorized to offer the same for sale, for cash in hand, in the same manner and with the same restrictions as provided in the first section of this act relating to the Omaha lands; and the proceeds of such sale shall be placed to the credit of said Indians on the books of the Treasury of the United States, and bear interest at the rate of five per centum per annum, payable semi-annually, except such portion thereof as the Secretary of the Interior, with the approval of the President of the United States, may deem necessary to be expended for their immediate use, as directed in the said first section of this act. (b)

SEC. 4. That with the consent and concurrence of the Sac and Fox of the Missouri tribe of Indians, (e) expressed in open council in the usual manner, the Secretary of the Interior be, and hereby is, authorized to cause to be surveyed, if necessary, a portion or the whole of their reservation in the State of Nebraska, containing about sixteen thousand acres. The said lands so surveyed shall be appraised by three compe-

Proposals for purchase for cash, as a whole, or in tracts, to be invited by advertisement.

Best bid to be accepted.
Certain bids to be rejected.

Proceeds of sale to be placed to credit of the Indians, at interest, except, &c.

Proviso.

Portion of the reservation of the Pawnees in Nebraska to be separated and appraised.

Proposals for purchase to be invited.

Proceeds of sales, how to be applied.

Part of the reservation of the Otoe and Missouri Indians to be separated, surveyed, and appraised.

Proposals for purchase for cash to be invited.

Proceeds of sales, how to be applied.

Part of the reservation of the Sac and Fox of the Missouri tribe to be separated, surveyed, and appraised.

tent commissioners, one of whom shall be selected by said Sac and Fox of the Missouri tribe of Indians in open council, and the other two shall be appointed by the Secretary of the Interior. After the survey and appraisement of said lands, as herein provided, the Secretary of the Interior shall be, and hereby is, authorized to offer the same for sale, for cash in hand, in the same manner and with the same restrictions as provided in the first section of this act relating to the Omaha lands; and the proceeds of such sale shall be placed to the credit of the said Indians on the books of the Treasury of the United States, and bear interest at the rate of five per centum per annum, payable semi-annually, except such portion thereof as the Secretary of the Interior, with the approval of the President of the United States, may deem necessary to be expended for their immediate use, as directed in the said first section of this act, or for their removal to the Indian Territory or elsewhere, in case they desire to remove. (b)

Proposals for purchase for cash, to be invited.

Proceeds of sales, how to be applied.

Patents for lands sold under this act to contain a clause prohibiting sale of intoxicating liquors thereon, under, &c.

Notice thereof in advertisement.

Pay of appraisers of lands under this act.

SEC. 5. That in all patents of lands sold under authority of this act, there shall be inserted a clause forever prohibiting the sale of intoxicating liquors on said lands, under pain of forfeiture of title thereto; and due notice of this provision shall be given in the advertisement offering said lands for sale.

SEC. 6. That the commissioners to be appointed by the Secretary of the Interior, under the provisions of this act, shall receive compensation for their services at the rate of eight dollars for each day actually engaged in the duties herein designated, in addition to the amount paid by them for actual travelling and other necessary expenses. (a)

(a) See No. 2123

(b) See Nos. 1999, 2079, 2083, 2085, 2106, 2108, 2109, 2110, 2117, 2126, 2127, 2128, 2131, 2132.

(c) See No. 2126.

(d) See Nos. 2128, 2131.

(e) See Nos. 2128, 2131.

March 3, 1873.
Vol. 17, p. 485.

No. 2121.—AN ACT making appropriations for the legislative, executive and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy-four, and for other purposes.

Secretary of the Treasury to withhold payments to certain railroad companies for freight, &c.

Companies may bring suit in Court of Claims.

Appeal to Supreme Court. Causes to have precedence.

Attorney-General to bring suit in equity against the Union Pacific Railroad Company, and all persons who, &c.

SEC. 2. That the Secretary of the Treasury is directed to withhold all payments to any railroad company and its assigns, on account of freights or transportation, over their respective roads, of any kind, to the amount of payments made by the United States for interest upon bonds of the United States issued to any such company, and which shall not have been reimbursed together with the five per cent. of net earnings due and unpaid as provided by law; and any such company may bring suit in the Court of Claims to recover the price of such freight and transportation; and in such suit the right of such company to recover the same upon the law and the facts of the case shall be determined and also the rights of the United States upon the merits of all the points presented by it in answer thereto by them and either party to such suit may appeal to the Supreme Court; and both said courts shall give such cause or causes precedence of all other business.

SEC. 4. That the Attorney-General shall cause a suit in equity to be instituted in the name of the United States against the Union Pacific Railroad Company, and against all persons who may, in their own names or through any agents, have subscribed for or received capital stock in said road, which stock has not been paid for in full in money, or who may have received, as dividends or otherwise, portions of the capital stock of said road, or the proceeds or avails thereof, or other property of said road, unlawfully and contrary to equity, or who may have received as profits or proceeds of contracts for construction, or equipment of said road, or other contracts therewith, moneys or other property which ought, in equity, to belong to said railroad corporation, or who may, under pretence of having complied with the acts to which this is an addition, have wrongfully and unlawfully received from the United States bonds, moneys, or lands which ought, in equity, to be accounted for and paid to said railroad company or to the United States, and to compel payment for said stock, and the collection and payment of such money, and the restoration of such property, or its value, either to said railroad corporation or to the United States, whichever shall in equity be held entitled thereto. Said suit may be brought in the cir-

cuit court in any circuit and all said parties may be made defendants in one suit. Decrees may be entered and enforced against any one or more parties defendant without awaiting the final determination of the cause against other parties. The court where said cause is pending may make such orders and decrees and issue such process as it shall deem necessary to bring in new parties or the representatives of parties deceased, or to carry into effect the purposes of this act. On filing the bill writs of subpoena may be issued by said court against any parties defendant, which writ shall run into any district, and shall be served, as other like process, by the marshal of such district. The books, records, correspondence, and all other documents of the Union Pacific Railroad Company, shall at all times be open to inspection by the Secretary of the Treasury, or such persons as he may delegate for that purpose. The laws of the United States providing for proceedings in bankruptcy shall not be held to apply to said corporation. No dividend shall hereafter be made by said company but from the actual net earnings thereof; and no new stock shall be issued, or mortgages or pledges made on the property or future earnings of the company without leave of Congress, except for the purpose of funding and securing debt now existing, or the renewals thereof. No director or officer of said road shall hereafter be interested, directly or indirectly, in any contract therewith, except for his lawful compensation as such officer. Any director or officer who shall pay or declare, or aid in paying or declaring any dividend, or creating any mortgage or pledge prohibited by this act, shall be punished by imprisonment not exceeding two years, and by fine not exceeding five thousand dollars. The proper circuit court of the United States shall have jurisdiction to hear and determine all cases of mandamus to compel said Union Pacific Railroad Company to operate its road as required by law. (a)

(a) See Nos. 2092, 2093, 2094, 2096, 2097, 2098, 2099, 2100, 2105, 2106, 2107, 2112, 2113, 2115, 2116, 2118, 2122, 2124, 2129, 2130.

No. 2122.—AN ACT making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862."

June 20, 1874.
Vol. 18, p. 111.

Be it enacted, &c., That there shall be, and is hereby, added to the fifteenth section of the act approved July second, eighteen hundred and sixty-four, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military and other purposes,' approved July first, eighteen hundred and sixty-two," the following words, namely: "And any officer or agent of the companies authorized to construct the aforesaid roads, or of any company engaged in operating either of said roads, who shall refuse to operate and use the road or telegraph under his control, or which he is engaged in operating for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line, or shall refuse, in such operation and use, to afford and secure to each of said roads equal advantages and facilities as to rates, time, or transportation, without any discrimination of any kind in favor of, or adverse to, the road or business of any or either of said companies, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding one thousand dollars, and may be imprisoned not less than six months. In case of failure or refusal of the Union Pacific Railroad Company, or either of said branches, to comply with the requirements of this act and the acts to which this act is amendatory, the party injured or the company aggrieved may bring an action in the district or circuit court of the United States in the Territory, district, or circuit in which any portion of the road of the defendant may be situated, for damages on account of such failure or refusal; and, upon recovery, the plaintiff shall be entitled to judgment for treble the amount of all excess of freight and fares collected by the defendant, and for treble the amount of damages sustained by the plaintiff by such failure or refusal; and for each and every violation of or failure to comply with the requirements of this act, a new cause of action shall arise; and in case of

Suit to be brought in any circuit court.
Decrees.
New parties, &c.

Writs of subpoena to run into any district, and how served.
Books of the railroad company to be open to inspection.

Bankrupt laws not to apply.
Dividends, new stock, mortgages, &c.

No director to be interested in any contract, except, &c.
Penalty.

Jurisdiction of circuit court to issue mandamus.

Amendment to section 15, act of July 2, 1864.

Refusal to operate and use Pacific Railroads as continuous line, &c., penalty.

In case of failure, &c., of Union Pacific Railroad Company, or branches, to comply, &c., parties aggrieved may bring suit for damages.
Treble damages, &c., may be recovered.

Service of process. suit in any such Territory, district, or circuit, process may be served upon any agent of the defendant found in the Territory, district, or circuit in which such suit may be brought, and such service shall be by the court held to be good and sufficient; and it is hereby provided that for all the purposes of said act, and of the acts amendatory thereof, the

Denver Pacific Railway to be deemed extension of Kansas Pacific.

railway of the Denver Pacific Railway and Telegraph Company shall be deemed and taken to be a part and extension of the road of the Kansas Pacific Railroad, to the point of junction thereof with the road of the Union Pacific Railroad Company at Cheyenne, as provided in the act of March third, eighteen hundred and sixty-nine. (a)

(a) See Nos. 2092, 2093, 2094, 2096, 2097, 2098, 2099, 2100, 2105, 2106, 2107, 2112, 2113, 2115, 2116, 2118, 2121, 2124, 2129, 2130.

June 22, 1874.
Vol. 18, p. 170.

No. 2123.—AN ACT making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes.

Purchase of lands from Omaha Indians for use of Winnebagoes.

For this amount, or so much thereof as may be necessary, to purchase from the Omaha Indians in Nebraska such quantity of land, not exceeding twenty sections, as may be required for the use of the Winnebago Indians in Wisconsin, and for improvements on their reservation, to be appropriated from the residue of the one million one hundred thousand dollars provided to be set apart for the Winnebagoes by the fourth article of the treaty with those Indians, November first, eighteen hundred and

How amount paid to Omahas shall be applied.

thirty-seven: *Provided*, That such amount as may be paid to the Omahas for the lands required shall be applied for their use, under the direction of the Secretary of the Interior, for general purposes of civiliza-

Consent of Winnebagoes.

tion, eighty-two thousand dollars: *Provided*, That said Winnebagoes shall consent to said purchase. (a)

(a) See No. 2120.

June 22, 1874.
Vol. 18, p. 200.

No. 2124.—AN ACT providing for the collection of moneys due the United States from the Pacific Railroad Companies.

Secretary of Treasury to require payment of five per centum net earnings from Pacific Railroad companies.

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, directed to require payment of the railroad companies, their successors and assigns, or the successors or assigns of any or either of said companies, of all sums of money due or to become due, the United States for the five per centum of the net earnings provided for by the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military and other purposes" approved July first, eighteen hundred and sixty-two, or by any other act or acts in relation to the companies therein named, or any other such company or companies, and in case either of said railroad companies shall neglect or refuse to pay the same within sixty days after demand therefor made upon the treasurer of such railroad company, the Secretary of the Treasury shall certify that fact to the Attorney-General, who shall thereupon institute the necessary suits and proceedings to collect and otherwise obtain redress in respect of the same in the proper circuit courts of the United States, and prosecute the same, with all convenient dispatch to a final determination. (a)

Failure to pay within sixty days after demand to be certified to Attorney-General.

Attorney-General to institute suits and proceedings.

To prosecute with dispatch.

(a) See Nos. 2092, 2093, 2094, 2096, 2097, 2098, 2099, 2100, 2105, 2106, 2107, 2112, 2113, 2115, 2116, 2118, 2121, 2122, 2129, 2130.

March 23, 1876.
Vol. 19, p. 8.

No. 2125.—AN ACT to confirm certain school-indemnity selections of public lands by the State of Nebraska.

School lands in Nebraska, title confirmed.

Be it enacted, &c., That the selections of school lands made by the State of Nebraska as indemnity for tracts in sections sixteen and thirty-six otherwise disposed of, which are suspended in the General Land Office, for the reason that they are for lands which, under the act of March sixth, eighteen hundred and sixty-eight, can only be disposed of under the homestead and pre-emption laws, and to which no other legal objection exists be, and the same are hereby, confirmed; and title shall be transferred to the State as in other cases of such selections. (a)

(a) See Nos. 1856, 2082, 2086, 2088, 2089, 2095, 2133.

No. 9126.—AN ACT to authorize the sale of the Pawnee reservation.

April 10, 1876.
Vol. 19, p. 28.

Be it enacted, &c., That with the consent and concurrence of the Pawnee tribe of Indians, expressed in open council in the usual manner, the Secretary of the Interior be, and he is hereby, authorized to cause to be appraised and sold the entire reservation set apart for said Indians, in the State of Nebraska, by the provisions of the first article of a treaty with them, concluded September twenty-fourth, eighteen hundred and fifty-seven, in the following manner: The said Secretary shall appoint three disinterested and competent persons, who, after being duly sworn to perform said service faithfully and impartially, shall personally examine and appraise said lands at their actual cash value, by legal subdivisions of one hundred and sixty acres, separately from the value of any improvements on the same, and shall also examine and appraise the value of said improvements, and make return thereof to the Commissioner of Indian Affairs. After the appraisement of said lands as herein provided, the Secretary of the Interior shall be, and he is hereby, authorized to offer the same for sale on the following terms and conditions, to wit: (a) After advertising the time of sale for three months in one newspaper published in each of the cities of New York, Washington, Chicago, Saint Louis, Cincinnati, Columbus, Nebraska, and Omaha, he shall offer the lands at public sale to the highest bidder for one-third cash in hand, the balance in two equal annual payments, drawing interest at the rate of six per centum per annum from the day of sale. Said land shall be sold in separate tracts of one hundred and sixty acres, and none of it shall be sold for less than its appraised value, or for less than two dollars and fifty cents per acre. Said sale to take place at some point in Nebraska as near as may be to said land, to be fixed by the Secretary of the Interior. If any person shall commit waste or damage upon said lands before full payment therefor, his rights to the lands purchased by him shall cease, and the same, together with all of said lands not sold at said public sale, shall be sold under the direction of the Secretary of the Interior, at private sale, on the same terms and subject to the same conditions as those sold at said public sale: *Provided*, That said lands shall not be sold for less than their appraised value, or for less than two dollars and fifty cents per acre. And patents in fee-simple shall be issued to the purchasers of lands under the seals herein provided for upon the payment to the Secretary of the Interior in full of the purchase price of the same: *Provided*, That if any of said tracts of land shall contain valuable improvements thereon, made by or for the Indians, or for Government purposes, said improvements may be sold separately from the lands on which they are situated, or may be sold with the land, as the Secretary of the Interior may deem best: *And provided further*, That the second section of the act of Congress, approved June tenth, eighteen hundred and seventy-two, making provision for the sale of a portion of these lands, be, and the same is hereby, repealed. (b)

SEC. 2. That there be, and hereby is, appropriated out of any moneys in the Treasury not otherwise appropriated, the sum of three hundred thousand dollars, out of which not more than one hundred and fifty thousand dollars shall be used in defraying expenses already incurred for the subsistence of said Pawnee tribe of Indians, and for their removal to the Indian Territory, and other necessary expenses connected with their establishment and settlement therein: *Provided*, That the accounts for said expenses heretofore incurred shall not be paid until after they have been examined and approved by the Secretary of the Interior, who is directed to settle said expenses upon principles of equity and justice as between the claimants and the Indians. And the residue of said three hundred thousand dollars after the payment of expenses heretofore incurred shall be applied to defray the expenses of appraisement and sale of the lands referred to in the first section of this act, and to the settlement of said Indians, and to their further subsistence, until they can become self-sustaining, and also in the purchase of agricultural implements and live stock, and in establishing and supporting schools, and for other beneficial objects including expenditures made for the above-mentioned purposes during the fiscal year ending June thirtieth, eighteen hundred and seventy-six; said sums to be available for the purposes hereinbefore specified immediately after the approval of this act: *Provided*, That the said three hundred thousand dollars herein appropriated shall be reimbursed to the United States out of the funds arising from the sale of the lands described in the first section of this act: *And provided also*, That so much of the residue of the three hun-

Sale of Pawnee
reservation au-
thorized.
Appraisement.

Advertisement.

Terms of pur-
chase.

Subdivisions.

Place of sale.

Waste to for-
feit purchase.

Selling price.

Patents, when
issued.Improvements,
how sold.

Repeal.

Appropriation.

Subsistence
and removal of
Pawnees.Accounts for
past expendi-
tures.Application of
residue of appro-
priation.Reimbursement
of appropriation.

Purchase of dred thousand dollars aforesaid as may be needed for the immediate necessities of the aforesaid Pawnee Indians may be expended in the purchase of supplies therefor in open market.

SEC. 3. That any surplus that may remain from the proceeds of the sale of the lands described in said first section, after the reimbursement to the United States of said sum of three hundred thousand dollars, and after the purchase of a suitable reservation in the Indian Territory for the Pawnee tribe of Indians, shall be placed to the credit of said Indians on the books of the Treasury of the United States, and bear interest at a rate not to exceed five per centum per annum, payable semi-annually, except such portion thereof as the Secretary of the Interior, with the approval of the President of the United States, may deem necessary to be expended for their immediate use for subsistence or other beneficial objects.

SEC. 4. That the following-described reservation in Indian Territory be, and the same is hereby, set apart for the use and occupation of the Pawnee tribe of Indians, namely: All that tract of country between the Cinnarron and Arkansas rivers embraced within the limits of townships twenty-one, twenty-two, twenty-three, and twenty-four north, of range four east, townships eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four north, of range five east, townships eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three north, of range six east of the Indian meridian: *Provided*, That the terms of the sixteenth article of the Cherokee treaty of July nineteenth, eighteen hundred and sixty-six, shall be complied with so far as the same may be applicable, thereto; *And provided further*, That the sum to be paid to the Cherokees by the Pawnees for such quantity of the land herein described as may be within the limits of the Cherokee country west of the ninety-sixth meridian of west longitude shall not exceed seventy cents per acre: *And provided also*, That the portion of the reservation herein described lying within the territory ceded to the United States by the third article of the Creek treaty of June fourteenth, eighteen hundred and sixty-six, shall be paid for by said Pawnees at the rate of thirty cents per acre.

SEC. 5. That the Secretary of the Interior shall cause to be made to each head of a family or single person over twenty-one years of age belonging to said Pawnee tribe, and residing upon said reserve, who shall so elect, an allotment within said reservation, of one hundred and sixty acres of land, as near as may be, to be governed by the lines of public survey; and upon the approval of the Secretary of the Interior of such allotments, certificates shall be issued therefor by the Commissioner of Indian Affairs: *Provided*, That whenever it shall be made to appear to the satisfaction of the Secretary of the Interior that any allottee has occupied and cultivated any portion of his or her allotment for the period of five successive years, and has at least twenty-five acres of the same fenced and in crop, such allottee shall be entitled to receive a patent for his or her allotment, with the condition that the same shall not be aliened or conveyed within fifteen years from the date thereof, and then only with the consent of the Secretary of the Interior and under such rules and regulations as he may prescribe.

(a) See Nos. 1999, 3079, 2063, 2085, 2106, 2108, 2109, 2110, 2117, 2120, 2127, 2128, 2131, 2132.
(b) See No. 2120.

July 21, 1876.
Vol. 19, p. 94.

No. 2127.—AN ACT to provide for the sale of the Fort Kearney military reservation in the State of Nebraska.

Whereas the tract of land in the State of Nebraska known as the Fort Kearney military reservation is no longer needed or used for military purposes, and has been abandoned by the military authorities: Therefore,

Be it enacted, &c., That it shall be the duty of the Secretary of the Interior to cause said tract of land to be surveyed, sectionized, and subdivided as other public lands, and after said survey, to offer said land to actual settlers only at minimum price, under and in accordance with the provisions of the homestead laws: (a) *Provided*, That if any person has made permanent improvements upon said land prior to the first day of June, eighteen hundred and seventy-six, (being an actual settler thereon,) has exhausted his right to make a homestead entry, such person, or his heirs, may enter one quarter-section of said land

Sale of Fort Kearney military reservation.

Homesteads.

under the provisions of the pre-emption laws: *And provided further*, That the heirs of any deceased person who had made settlement and improvement as above described prior to June first, eighteen hundred and seventy-six, may complete the pre-emption or homestead entry of the person so deceased. Heirs of homesteaders.

SEC. 2. That the sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act. Appropriation.

(a) See Nos. 1999, 2079, 2083, 2085, 2106, 2108, 2109, 2110, 2117, 2120, 2126, 2128, 2131, 2132.

No. 2128.—AN ACT to provide for the sale of a portion of the reservation of the Confederated Otoe and Missouri and the Sac and Fox of the Missouri tribes of Indians in the States of Kansas and Nebraska. Aug. 15, 1876.
Vol. 19, p. 208.

Be it enacted, &c., That, with the consent of the Otoe and Missouri tribes of Indians expressed in open council, the Secretary of the Interior is authorized to cause to be surveyed the reservation of said Indians lying in the States of Kansas and Nebraska. (a) Otoe and Missouri reservation in Kansas and Nebraska may be surveyed. To be appraised.

SEC. 2. That the lands so surveyed shall be appraised by three commissioners, one of whom shall be designated by said Indians in open council, and the other two by the Secretary of the Interior.

SEC. 3. That after the survey and appraisement of said lands, the Secretary of the Interior shall be, and is hereby, authorized to offer one hundred and twenty thousand acres from the western side of the same for sale, through the United States public land office, at Beatrice, Nebraska, for cash to actual settlers only, in tracts not exceeding one hundred and sixty acres to each purchaser: *Provided*, That if, in the judgment of the Secretary of the Interior, it shall be more advantageous to sell said lands upon deferred payments, he may, with the consent of the Indians expressed in open council, dispose of the same upon the following terms as to payments, that is to say, one-third in cash, one-third in one year, and one-third in two years from date of sale, with interest at the rate of six per centum per annum: *And provided further*, That no portion of said land shall be sold at less than the appraised value thereof, and in no case less than two dollars and fifty cents per acre. (b) Part to be sold for cash.

May be sold on time.

SEC. 4. That the proceeds of said sale shall be placed to the credit of said Indians in the Treasury of the United States, and bear interest at the rate of five per centum per annum which income shall be expended for the benefit of said tribes under direction of the Secretary of the Interior. Price.

SEC. 5. That the proceeds of said sale shall be placed to the credit of said Indians in the Treasury of the United States, and bear interest at the rate of five per centum per annum which income shall be expended for the benefit of said tribes under direction of the Secretary of the Interior. Disposition of proceeds.

SEC. 6. That the commissioners for the appraisement of said lands shall be paid for their services at the rate of five dollars per day while actually employed, and their actual expenses; which sum, together with the cost of survey, and all other necessary incidental expenses of the execution of this act, shall be paid from the money realized by the sale of said lands. Pay of appraisers.

SEC. 7. That certified copies of the plats and field-notes of said lands when surveyed shall be prepared under the direction of the Secretary of the Interior, and kept in the land office at Beatrice, Nebraska, to be used as other official plats and notes; and the register and the receiver shall be allowed such fees only for the sale of said lands as are now authorized by law in case of sales of public lands of the United States, to be paid out of the moneys arising from the sale thereof. Plats and note-books.

Fees.

SEC. 7. That whenever the Sac and Fox of the Missouri tribe of Indians shall, in open council in the usual manner, express their consent thereto, the Secretary of the Interior shall be, and hereby is, authorized, in like manner and upon the same terms prescribed in the preceding sections of this act, to cause to be offered for sale a portion of their reservation lying in the States of Kansas and Nebraska, not exceeding in quantity ten sections of land to be taken from the western portion thereof; and the proceeds arising therefrom shall be used for the benefit of said tribe as the Secretary of the Interior may direct. (a) Sac and Fox reservation in Kansas and Nebraska may be sold on the same terms.

(a) See Nos. 2120, 2131.

(b) See Nos. 1999, 2079, 2083, 2085, 2106, 2108, 2109, 2110, 2117, 2120, 2126, 2127, 2131, 2132.

May 7, 1878.
Vol. 20, p. 56.

No. 2129.—AN ACT to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July first, eighteen hundred and sixty-two, and also to alter and amend the act of Congress approved July second, eighteen hundred and sixty-four, in amendment of said first-named act.

Preamble.

Whereas, on the first day of July, anno Domini eighteen hundred and sixty-two, Congress passed an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes;" and

Whereas afterward, on the second day of July, anno Domini eighteen hundred and sixty-four, Congress passed an act in amendment of said first-mentioned act, and

Whereas the Union Pacific Railroad Company, named in said acts, and under the authority thereof, undertook to construct a railway, after the passage thereof, over some part of the line mentioned in said acts; and

Whereas, under the authority of the said two acts, the Central Pacific Railroad Company of California, a corporation existing under the laws of the State of California, undertook to construct a railway, after the passage of said acts, over some part of the line mentioned in said acts; and

Whereas the United States, upon demand of said Central Pacific Railroad Company, have heretofore issued, by way of loan and as provided in said acts, to and for the benefit of said company, in aid of the purposes named in said acts, the bonds of the United States, payable in thirty years from the date thereof, with interest at six per centum per annum, payable half-yearly, to the amount of twenty-five million eight hundred and eighty-five thousand one hundred and twenty dollars, which said bonds have been sold in the market or otherwise disposed of by said company; and

Whereas the said Central Pacific Company has issued and disposed of an amount of its own bonds equal to the amount so issued by the United States, and secured the same by mortgage, and which are, if lawfully issued and disposed of, a prior and paramount lien, in the respect mentioned in said acts, to that of the United States, as stated, and secured thereby; and

Whereas, after the passage of said acts, the Western Pacific Railroad Company, a corporation then existing under the laws of California, did, under the authority of Congress, become the assignee of the rights, duties and obligations of the said Central Pacific Railroad Company, as provided in the act of Congress passed on the third of March, anno Domini eighteen hundred and sixty-five, and did, under the authority of the said act and of the acts aforesaid, construct a railroad from the city of San Jose to the city of Sacramento, in California, and did demand and receive from the United States the sum of one million nine hundred and seventy thousand five hundred and sixty dollars of the bonds of the United States, of the description before mentioned as issued to the Central Pacific Company, and in the same manner and under the provisions of said acts; and upon and in respect of the bonds so issued to both said companies, the United States have paid interest to the sum of more than thirteen and a half million dollars, which has not been reimbursed; and

Whereas said Western Pacific Railroad Company has issued and disposed of an amount of its own bonds equal to the amount so issued by the United States to it, and secured the same by mortgage, which are, if lawfully issued and disposed of, a prior and paramount lien to that of the United States, as stated and secured thereby; and

Whereas said Western Pacific Railroad Company has since become merged in, and consolidated with, said Central Pacific Railroad Company, under the name of the Central Pacific Railroad Company, whereby the said Central Pacific Railroad Company has become liable to all the burdens, duties, and obligations before resting upon said Western Pacific Railroad Company; and divers other railroad companies have been merged in and consolidated with said Central Pacific Railroad Company; and

Whereas the United States, upon the demand of the said Union Pacific Railroad Company, have heretofore issued by way of loan to it and as provided in said acts, the bonds of the United States, payable in thirty years from the date thereof, with interest at six per centum per annum,

payable half-yearly, the principal sums of which amount to twenty-seven million two hundred and thirty-six thousand five hundred and twelve dollars; on which the United States have paid over ten million dollars interest over and above all reimbursements; which said bonds have been sold in the market or otherwise disposed of by said corporation; and

Whereas said corporation has issued and disposed of an amount of its own bonds equal to the amounts so issued to it by the United States as aforesaid, and secured the same by mortgage, and which are, if lawfully issued and disposed of, a prior and paramount lien, in the respect mentioned in said acts, to that of the United States, as stated, and secured thereby; and

Whereas the total liabilities (exclusive of interest to accrue) to all creditors, including the United States, of the said Central Pacific Company, amount in the aggregate to more than ninety-six million dollars, and those of the said Union Pacific Railroad Company to more than eighty-eight million dollars; and

Whereas the United States, in view of the indebtedness and operations of said several railroad companies respectively, and of the disposition of their respective incomes, are not and cannot, without further legislation, be secure in their interests in and concerning said respective railroads and corporations, either as mentioned in said acts or otherwise; and

Whereas a due regard to the rights of said several companies respectively, as mentioned in said act of eighteen hundred and sixty-two, as well as just security to the United States in the premises, and in respect of all the matters set forth in said act, require that the said act of eighteen hundred and sixty-two be altered and amended as hereinafter enacted; and

Whereas, by reason of the premises also, as well as for other causes of public good and justice, the powers provided and reserved in said act of eighteen hundred and sixty-four for the amendment and alteration thereof ought also to be exercised as hereinafter enacted: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the net earnings mentioned in said act of eighteen hundred and sixty-two, of said railroad companies respectively, shall be ascertained by deducting from the gross amount of their earnings respectively the necessary expenses actually paid within the year in operating the same and keeping the same in a state of repair, and also the sum paid by them respectively within the year in discharge of interest on their first-mortgage bonds, whose lien has priority over the lien of the United States, and excluding from consideration all sums owing or paid by said companies respectively for interest upon any other portion of their indebtedness; and the foregoing provision shall be deemed and taken as an amendment of said act of eighteen hundred and sixty-four, as well as of said act of eighteen hundred and sixty-two. This section shall take effect on the thirtieth day of June next, and be applicable to all computations of net earnings thereafter; but it shall not affect any right of the United States or of either of said railroad companies existing prior thereto.

SEC. 2. That the whole amount of compensation which may, from time to time, be due to said several railroad companies respectively for services rendered for the Government shall be retained by the United States, one-half thereof to be presently applied to the liquidation of the interest paid and to be paid by the United States upon the bonds so issued by it as aforesaid, to each of said corporations severally, and the other half thereof to be turned into the sinking-fund hereinafter provided, for the uses therein mentioned.

SEC. 3. That there shall be established in the Treasury of the United States a sinking-fund, which shall be invested by the Secretary of the Treasury in bonds of the United States; and the semi-annual income thereof shall be in like manner from time to time invested, and the same shall accumulate and be disposed of as hereinafter mentioned. And in making such investments the Secretary shall prefer the five per centum bonds of the United States, unless, for good reasons appearing to him, and which he shall report to Congress, he shall at any time deem it advisable to invest in other bonds of the United States. All the bonds belonging to said fund shall, as fast as they shall be obtained, be so stamped as to show that they belong to said fund, and that they are not good in the hands of other holders than the Secretary of the Treas-

Net earnings,
how to be ascer-
tained.

Amendment.

Date of effect.

Compensation
due from United
States to be re-
tained; how ap-
plied.

Sinking-fund.

ury until they shall have been indorsed by him, and publicly disposed of pursuant to this act.

Credits to, and payments into sinking-fund. SEC. 4. That there shall be carried to the credit of the said fund, on the first day of February in each year, the one-half of the compensation for services hereinbefore named, rendered for the Government by said Central Pacific Railroad Company, not applied in liquidation of interest; and, in addition thereto, the said company shall, on said day in each year, pay into the Treasury, to the credit of said sinking-fund, the sum of one million two hundred thousand dollars, or so much thereof as shall be necessary to make the five per centum of the net earnings of its said road payable to the United States under said act of eighteen hundred and sixty-two, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to twenty-five per centum of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the thirty-first day of December next preceding. That there shall be carried to the credit of the said fund, on the first day of February in each year, the one-half of the compensation for services hereinbefore named, rendered for the Government by said Union Pacific Railroad Company, not applied in liquidation of interest; and, in addition thereto, the said company shall, on said day in each year, pay into the Treasury, to the credit of said sinking-fund, the sum of eight hundred and fifty thousand dollars, or so much thereof as shall be necessary to make the five per centum of the net earnings of its said road payable to the United States under said act of eighteen hundred and sixty-two, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to twenty-five per centum of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the thirty-first day of December next preceding.

Remission of payments into sinking-fund. SEC. 5. That whenever it shall be made satisfactorily to appear to the Secretary of the Treasury, by either of said companies, that seventy-five per centum of its net earnings as hereinbefore defined, for any current year are or were insufficient to pay the interest for such year upon the obligations of such company, in respect of which obligations there may exist a lien paramount to that of the United States, and that such interest has been paid out of such net earnings, said Secretary is hereby authorized, and it is made his duty, to remit for such current year so much of the twenty-five per centum of net earnings required to be paid into the sinking-fund, as aforesaid, as may have been thus applied and used in the payment of interest as aforesaid.

No dividend in case of default. SEC. 6. That no dividend shall be voted, made, or paid for or to any stockholder or stockholders in either of said companies respectively at any time when the said company shall be in default in respect of the payment either of the sums required as aforesaid to be paid into said sinking-fund, or in respect of the payment of the said five per centum of the net earnings, or in respect of interest upon any debt the lien of which, or of the debt on which it may accrue, is paramount to that of the United States; and any officer or person who shall vote, declare, make, or pay, and any stockholder of any of said companies who shall receive any such dividend contrary to the provisions of this act, shall be liable to the United States for the amount thereof, which, when recovered, shall be paid into said sinking-fund. And every such officer, person, or stockholder who shall knowingly vote, declare, make, or pay any such dividend, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding ten thousand dollars, and by imprisonment not exceeding one year.

Liabilities to repay dividends. SEC. 7. That the said sinking-fund so established and accumulated shall, at the maturity of said bonds so respectively issued by the United States, be applied to the payment and satisfaction thereof, according to the interest and proportion of each of said companies in said fund, and of all interest paid by the United States thereon, and not reimbursed, subject to the provisions of the next section.

Penalty. SEC. 8. That said sinking-fund so established and accumulated shall, according to the interest and proportion of said companies respectively therein, be held for the protection, security, and benefit of the lawful and just holders of any mortgage or lien debts of such companies respect-

Application of sinking-fund. SEC. 9. That the said sinking-fund so established and accumulated shall, at the maturity of said bonds so respectively issued by the United States, be applied to the payment and satisfaction thereof, according to the interest and proportion of each of said companies in said fund, and of all interest paid by the United States thereon, and not reimbursed, subject to the provisions of the next section.

Priorities in application of sinking-fund. SEC. 10. That the said sinking-fund so established and accumulated shall, at the maturity of said bonds so respectively issued by the United States, be applied to the payment and satisfaction thereof, according to the interest and proportion of each of said companies in said fund, and of all interest paid by the United States thereon, and not reimbursed, subject to the provisions of the next section.

ively, lawfully paramount to the rights of the United States, and for the claims of other creditors, if any, lawfully chargeable upon the funds so required to be paid into said sinking-fund, according to their respective lawful priorities, as well as for the United States, according to the principles of equity, to the end that all persons having any claim upon said sinking-fund may be entitled thereto in due order; but the provisions of this section shall not operate or be held to impair any existing legal right, except in the manner in this act provided, of any mortgage, lien, or other creditor of any of said companies respectively, nor to excuse any of said companies respectively from the duty of discharging, out of other funds, its debts to any creditor except the United States.

SEC. 9. That all sums due to the United States from any of said companies respectively, whether payable presently or not, and all sums required to be paid to the United States or into the Treasury, or into said sinking-fund under this act, or under the acts hereinbefore referred to, or otherwise, are hereby declared to be a lien upon all the property, estate, rights, and franchises of every description granted or conveyed by the United States to any of said companies respectively or jointly, and also upon all the estate and property, real, personal, and mixed, assets, and income of the said several railroad companies respectively, from whatever source derived, subject to any lawfully prior and paramount mortgage, lien, or claim thereon. But this section shall not be construed to prevent said companies respectively from using and disposing of any of their property or assets in the ordinary, proper and lawful course of their current business, in good faith and for valuable consideration.

SEC. 10. That it is hereby made the duty of the Attorney-General of the United States to enforce, by proper proceeding against the said several railroad companies respectively or jointly, or against either of them, and others, all the rights of the United States under this act and under the acts hereinbefore mentioned, and under any other act of Congress or right of the United States; and in any suit or proceeding already commenced, or that may be hereafter commenced, against any of said companies, either alone or with other parties, in respect of matters arising under this act, or under the acts or rights hereinbefore mentioned or referred to, it shall be the duty of the court to determine the very right of the matter without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantial rights and duties arising out of the matters and acts hereinbefore stated and referred to.

SEC. 11. That if either of said railroad companies shall fail to perform all and singular the requirements of this act and of the acts hereinbefore mentioned, and of any other act relating to said company, to be by it performed, for the period of six months next after such performance may be due, such failure shall operate as a forfeiture of all the rights, privileges, grants, and franchises derived or obtained by it from the United States; and it shall be the duty of the Attorney-General to cause such forfeiture to be judicially enforced.

SEC. 12. That nothing in this act shall be construed or taken in any wise to affect or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said acts hereinbefore mentioned; and this act shall be subject to alteration, amendment, or repeal, as, in the opinion of Congress, justice or the public welfare may require. And nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in favor of the United States.

SEC. 13. That each and every of the provisions in this act contained shall severally and respectively be deemed, taken, and held as in alteration and amendment of said act of eighteen hundred and sixty-two and of said act of eighteen hundred and sixty-four respectively, and of both said acts. (a)

(a) See Nos. 2092, 2093, 2094, 2096, 2097, 2098, 2099, 2100, 2105, 2106, 2107, 2112, 2113, 2115, 2116, 2118, 2121, 2123, 2124, 2130.

NO. 2130.—AN ACT to create an Auditor of Railroad Accounts and for other purposes.

June 19, 1878.
Vol. 20, p. 169.

Be it enacted, &c., That section twenty of the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the

Repeal of acts in reference to filing reports.

use of the same for postal, military, and other purposes," approved July first anno Domini eighteen hundred and sixty-two, and the act entitled "An act relative to filing reports of railroad companies," approved June twenty-fifth, anno Domini eighteen hundred and sixty-eight, be, and the same are hereby, repealed. (a)

(a) See Nos. 2092, 2093, 2094, 2096, 2097, 2098, 2099, 2100, 2105, 2106, 2107, 2112, 2113, 2115, 2116, 2118, 2121, 2122, 2124, 2129.

March 3, 1879.
Vol. 20, p. 471.

No. 2131.—AN ACT to amend an act to provide for the sale of a portion of the reservation of the Confederated Otoe and Missouri and the Sac and Fox of the Missouri tribes of Indians in the States of Kansas and Nebraska.

Otoe and Missouri and Sac and Fox reservation in Kansas.

Be it enacted, &c., That section three of the act of August fifteenth, eighteen hundred and seventy-six, chapter three hundred and eight, entitled "An act to provide for the sale of a portion of the reservation of the Confederated Otoe and Missouri and the Sac and Fox of the Missouri tribes of Indians," be, and the same hereby is, amended so as to read, as follows: (a)

Portion to be sold.

That after the survey and appraisal of said lands, the Secretary of the Interior shall be, and is hereby, authorized to offer one hundred and twenty thousand acres from the western side of the same for sale, through the United States public land office at Beatrice, Nebraska, in tracts not exceeding one hundred and sixty acres for cash, to actual settlers, or persons who shall make oath before the register or receiver of the land office at Beatrice, Nebraska, that they intend to occupy the land for authority to purchase which they make application, and who shall within three months from the date of such application make a permanent settlement upon the same, in tracts not exceeding one hundred and sixty acres to each purchaser: *Provided*, That if, in the judgment of the Secretary of the Interior, it shall be more advantageous to sell said lands upon deferred payments, he may, with the consent of the Indians expressed in open council, dispose of the same upon the following terms as to payments, that is to say, one-third in cash, one-third in one year, and one-third in two years from date of sale, with interest at the rate of six per centum per annum: *And provided further*, That no portion of said land shall be sold at less than the appraised value thereof, and in no case less than two dollars and fifty cents per acre: *And provided further*, That whenever a settler on any of the lands subject to sale under the act to which this is amendatory shall apply to purchase a tract containing a small excess over one hundred and sixty acres, owing to the legal subdivisions being made fractional by boundary line of reservation, township or section line his application shall not be rejected on account of such excess; but, if no other objection exist the purchase shall be allowed as in other cases. *And provided further*, That bona-fide claimants at present occupying lands under the provisions of the act of which this is amendatory may in the discretion of the Secretary of the Interior be allowed additional time for making the deferred payments required by said act for the lands so claimed and occupied by them in good faith, not exceeding one year on each payment so required to be made. (b)

Proviso.
Terms.

Proviso.
Price.
Proviso.
Fractional pieces.

Proviso.
Present occupants.

(a) See Nos. 2120, 2128.

(b) See Nos. 1999, 2079, 2083, 2085, 2104, 2108, 2109, 2110, 2117, 2120, 2126, 2127, 2128, 2132.

June 4, 1880.
Vol. 21, p. —.

No. 2132.—AN ACT for the relief of certain homestead and pre-emption settlers in Kansas and Nebraska.

[See KANSAS, No. 2079.]

June 9, 1880.
Vol. 21, p. —.

No. 2133.—AN ACT for the relief of certain settlers within the late Fort Kearney military reservation in Nebraska.

Certain homestead entries confirmed.

Be it enacted, &c., That the homestead entries numbered seventy-one hundred and eighty-two, seventy-two hundred and twenty-six, seventy-two hundred and thirty-three, seventy-five hundred and eighty-seven, seventy-nine hundred and twenty, and seventy-nine hundred and twenty-one, made at Grand Island, Nebraska, under the act of Congress of July twenty-first, eighteen hundred and seventy-six, by Morgan T. Martin, Samuel H. McNutt, Allan D. Randall, John J. Brown, Joseph B.

Long, and Matthew O. Riley, as actual settlers, in section thirty-six, township nine north, of range fifteen west, and section thirty-six, township nine north, of range thirteen west, within the late Fort Kearney military reservation be, and the same are hereby, confirmed: *Provided*, The State of Nebraska shall, by legislative act, assent thereto; and thereafter the said State shall be entitled to select other lands of equal area for school purposes as indemnity for the lands embraced in said entries, in like manner as by existing law may be done in cases where lands in sections sixteen and thirty-six, appropriated for schools in Nebraska, have been sold, or otherwise disposed of by any act of Congress. (a)

State to select indemnity for the school sections so entered.

(d) See Nos. 1856, 2062, 2064, 2068, 2069, 2075, 2125.

NEW MEXICO TERRITORY.

Sept. 9, 1850.
Vol. 9, p. 446.

Propositions offered to Texas, when accepted, to be binding upon her and the United States.
Proviso.

Boundary of Texas defined.

Cession of territory to the United States.

Boundary defined, and temporary government created by the name of the Territory of New Mexico.

Proviso.

Further proviso.

Legislative power of the Territory defined.

Laws to be submitted to Congress.

No. 2134.—AN ACT proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all Territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a Territorial government for New Mexico.

Be it enacted, &c., That the following propositions shall be, and the same hereby are, offered to the State of Texas, which, when agreed to by the said State, in an act passed by the general assembly, shall be binding and obligatory upon the United States, and upon the said State of Texas: *Provided*, The said agreement by the said general assembly shall be given on or before the first day of December, eighteen hundred and fifty:

First. The State of Texas will agree that her boundary on the north shall commence at the point at which the meridian of one hundred degrees west from Greenwich is intersected by the parallel of thirty-six degrees thirty minutes north latitude, and shall run from said point due west to the meridian of one hundred and three degrees west from Greenwich; thence her boundary shall run due south to the thirty-second degree of north latitude; thence on the said parallel of thirty-two degrees of north latitude to the Rio Bravo del Norte, and thence with the channel of said river to the Gulf of Mexico.

Second. The State of Texas cedes to the United States all her claim to Territory exterior to the limits and boundaries which she agrees to establish by the first article of this agreement.

* * * * *

SEC. 2. *And be it further enacted*, That all that portion of the Territory of the United States bounded as follows: beginning at a point in the Colorado River where the boundary line with the republic of Mexico crosses the same; thence eastwardly with the said boundary line to the Rio Grande; thence following the main channel of said river to the parallel of the thirty-second degree of north latitude; thence east with said degree to its intersection with the one hundred and third degree of longitude west of Greenwich; thence north with said degree of longitude to the parallel of thirty-eighth degree of north latitude; thence west with said parallel to the summit of the Sierra Madre; thence south with the crest of said mountains to the thirty-seventh parallel of north latitude; thence west with said parallel to its intersection with the boundary line of the State of California; thence with said boundary line to the place of beginning—be, and the same is hereby, erected into a temporary government, by the name of the Territory of New Mexico: *Provided*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion thereof to any other Territory or State: *And provided, further*, That, when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission.

* * * * *

SEC. 7. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws passed by the legislative assembly and governor shall be submitted to the Congress of the United States, and, if disapproved, shall be null and of no effect.

SEC. 18. *And be it further enacted*, That the provisions of this act be, and they are hereby, suspended until the boundary between the United States and the State of Texas shall be adjusted; and when such adjustment shall have been effected, the President of the United States shall issue his proclamation, declaring this act to be in full force and operation, and shall proceed to appoint the officers herein provided to be appointed in and for said Territory. Provisions of this act to be suspended until the boundary is adjusted. Proclamation.

SEC. 19. *And be it further enacted*, That no citizen of the United States shall be deprived of his life, liberty, or property, in said Territory, except by the judgment of his peers and the laws of the land. (a) Citizen's rights protected.

(a) See Nos. 2137, 2138.

No. 2135.—AN ACT making appropriations, &c.

[Military reservations in New Mexico, &c., authorized. See CALIFORNIA, No. 2323.]

March 3, 1853.
Vol. 10, p. 238.

No. 2136.—AN ACT to establish the offices of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes.

July 22, 1854.
Vol. 10, p. 308.

Be it enacted, &c., That the President, by and with the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a surveyor-general for New Mexico, whose annual salary shall be three thousand dollars, and whose power, authority, and duties shall be the same as those provided by law for the surveyor-general of Oregon; he shall have proper allowances for clerk hire, office rent, and fuel, not exceeding what now is or hereafter may be allowed by law to the said surveyor-general of Oregon; and he shall locate his office from time to time at such places as may be directed by the President of the United States. (a) Surveyor-general for New Mexico; his appointment, power, authority, duties and compensation. Appropriation for clerk hire. Location of his office.

SEC. 2. *And be it further enacted*, That, to every white male citizen of the United States, or every white male above the age of twenty-one years who has declared his intention to become a citizen, and who was residing in said Territory prior to the first day of January, eighteen hundred and fifty-three, and who may be still residing there, there shall be, and hereby is, donated one quarter-section, or one hundred and sixty acres of land. And to every white male citizen of the United States, or every white male above the age of twenty-one years, who has declared his intention to become a citizen, and who shall have removed or shall remove to and settle in said Territory between the first day of January, eighteen hundred and fifty-three, and the first day of January, eighteen hundred and fifty-eight, there shall in like manner be donated one quarter-section, or one hundred and sixty acres, on condition of actual settlement and cultivation for not less than four years: *Provided, however*, That each of said donations shall include the actual settlement and improvement of the donee, and shall be selected by legal subdivisions, within three months after the survey of the land where the settlement was made before the survey; and where the settlement was made after the survey, then within three months after the settlement has been made; and all persons failing to designate the boundaries of their claims within that time, shall forfeit all right to the same. Donation of public lands to every white male citizen, or to every white male above 21 years of age, who has declared his intention and who are residing in said Territory at passage of this act. Donation of public lands to those who shall remove there between January 1st, 1853, and January 1st, 1858. Proviso.

SEC. 3. *And be it further enacted*, That, on proof of the settlement and cultivation required by this act, to the satisfaction of the surveyor-general, or other officer designated by law for that purpose, subject to the supervision of the Secretary of the Interior, a certificate shall be issued to the party entitled, on presentation of which, if approved by the Secretary of the Interior, a patent shall issue thereon: *Provided, however*, That on the day of any such title before the completion of the four years' occupation and cultivation required by this act, the right shall descend to his heirs at law, who shall be entitled to a certificate and patent, as aforesaid, on proof, as before provided, of continued occupancy and cultivation by such settler to the time of his death: *Provided, however*, That when lands are claimed under any of the provisions of this act by persons who are not citizens of the United States, patents shall not issue therefor until they become citizens. Patent to issue, when. Proviso. Proviso. Patents to issue to citizens only.

SEC. 4. *And be it further enacted*, That none of the provisions of this act shall extend to mineral or school lands, salines, military or other reservations, or lands settled on and occupied for purposes of trade and commerce, and not for agriculture, and all legal subdivisions settled on Reservation of mineral and other lands.

and occupied, in whole or in part, for purposes of trade and commerce, and not for agriculture, shall be subject to the provisions of the act of twenty-third of May, eighteen hundred and forty-four, in relation to town sites on the public lands, whether so settled and occupied before or after the survey of said lands, except that said lands shall be donated instead of being sold.

Reservation of land for schools. SEC. 5. *And be it further enacted*, That when the lands in the said Territory shall be surveyed, under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township, in said Territory, shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be created out of the same.

Reservation of land for a university. SEC. 6. *And be it further enacted*, That, when the lands in said Territory shall be surveyed as aforesaid, a quantity of land equal to two townships shall be, and the same is hereby, reserved for the establishment of a university in said Territory, and in the State hereafter to be created out of the same, to be selected, under the direction of the legislature, in legal subdivisions of not less than one half-section.

Land not taken under this act subject to the act of 1841. SEC. 7. *And be it further enacted*, That any of the lands not taken under the provisions of this act shall be subject to the operation of the preemption act of fourth September, eighteen hundred and forty-one, whether settled upon before or after the survey; and, in all cases where the settlement was made before the survey, the settler shall file his declaration within three months after the survey is made and returned; and any person claiming a donation under this act shall be permitted to enter the land claimed by him at any time prior to the four years' occupancy and cultivation required, by paying therefor at the rate of one dollar and twenty-five cents per acre, and proving occupancy and cultivation up to the time of such payment. (b)

Spanish and Mexican claims to land to be ascertained. SEC. 8. *And be it further enacted*, That it shall be the duty of the surveyor-general, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico; and, for this purpose, may issue notices, summons witnesses, administer oaths, and do and perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the Territory to the United States by the treaty of Guadalupe Hidalgo, of eighteen hundred and forty-eight, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States; and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos, respectively, and the nature of their titles to the land. Such report to be made according to the form which may be prescribed by the Secretary of the Interior; which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm bona-fide grants, and give full effect to the treaty of eighteen hundred and forty-eight between the United States and Mexico; and, until the final action of Congress on such claims, all lands covered thereby shall be reserved from sale or other disposal by the Government, and shall not be subject to the donations granted by the previous provisions of this act. (c)

Portion of such claims to be reported. SEC. 9. *And be it further enacted*, That full power and authority are hereby given the Secretary of the Interior to issue all needful rules and regulations for fully carrying into effect the several provisions of this act.

The report to be laid before Congress for action.

Lands covered by such claims reserved from sale.

Full power given to execute this act.

(a) See No. 2146.

(b) See Nos. 2154, 2156.

(c) See Nos. 2140, 2141, 2142, 2144, 2147, 2149, 2150, 2151, 2152, 2163.

Aug. 4, 1854.
Vol. 10, p. 575.

The territory lately acquired from Mexico to be a part of New Mexico.

NO. 2137.—AN ACT declaring the southern boundary of New Mexico.

Be it enacted, &c., That, until otherwise provided by law, the territory acquired under the late treaty with Mexico, commonly known as the Gadsden treaty, be, and the same is hereby incorporated with the Territory of "New Mexico," subject to all the laws of said last-named Territory. (a)

(a) See Nos. 2134, 2138.

No. 2138.—A PROCLAMATION by the President of the United States of America respecting the boundary with Mexico.

June 2, 1856.
Vol. 11, p. 793.

Preamble.

Whereas pursuant to the first article of the treaty between the United States and the Mexican Republic, of the thirtieth day of December, one thousand eight hundred and fifty-three, the true limits between the territories of the contracting parties were declared to be as follows:

"Retaining the same dividing line between the two Californias as already defined and established, according to the fifth article of the treaty of Guadalupe Hidalgo, the limits between the two Republics shall be as follows:

"Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, as provided in the fifth article of the treaty of Guadalupe Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of 31° 47' north latitude crosses the same; thence due west one hundred miles; thence south to the parallel of 31° 20' north latitude; thence along the said parallel of 31° 20' to the 111th meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River twenty English miles below the junction of the Gila and Colorado rivers; thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico:"

Boundary.

And whereas, the said dividing line has been surveyed, marked out, and established, by the respective commissioners of the contracting parties, pursuant to the same article of the said treaty:

Now, therefore, be it known, that I, Franklin Pierce, President of the United States of America, do hereby declare to all whom it may concern, that the line aforesaid shall be held and considered as the boundary between the United States and the Mexican Republic, and shall be respected as such by the United States and the citizens thereof. (a)

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

Given under my hand, at the City of Washington, this second day of June, in the year of our Lord one thousand eight hundred and fifty-six, and of the Independence of the United States the eightieth.

[L. S.]

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State*.

(a) See Nos. 2134, 2137.

No. 2139.—AN ACT to create a land district in the Territory of New Mexico.

May 24, 1858.
Vol. 11, p. 292.

Be it enacted, &c., That the public lands in the Territory of New Mexico, to which the Indian title shall have been extinguished, shall constitute a land district to be called the "district of New Mexico," the office for which shall be established at such place within said district as the President of the United States may from time to time direct.

SEC. 2. *And be it further enacted,* That, for the purpose of carrying this act into effect, the President shall be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof, a register and receiver for the district hereby created, who shall be required to reside at the site of the office, and whose powers, duties, obligations, and responsibilities shall be the same as are now prescribed by law for other land officers, (so far as they apply to these officers.) (a)

Register and receiver authorized.

SEC. 3. *And be it further enacted,* That this act shall not take effect in less than six months after its passage.

When to take effect.

(a) See No. 2159.

No. 2140.—AN ACT to confirm the land claim of certain pueblos and towns in the Territory of New Mexico.

Dec. 22, 1858.
Vol. 11, p. 374.

Be it enacted &c., That the pueblo land claims in the Territory of New Mexico designated in the corrected lists as—

Pueblo land claims.

- A, Pueblo of James in the county of Santa Ana,
- B, Pueblo of Acoma in the county of Valencia,
- C, Pueblo of San Juan in the county of Rio Arriba,
- D, Pueblo of Picuris in the county of Taos,
- E, Pueblo of San Felipe in the county of Bernalillo,
- F, Pueblo of Pecos in the county of San Miguel,

G, Pueblo of Cochiti in the county of Santa Ana,
H, Pueblo of Santo Domingo in the county of Santa Ana,
I, Pueblo of Taos in the county of Taos,
K, Pueblo of Santa Clara in the county of Rio Arriba,
L, Pueblo of Tesuque in the county of Santa Fe,
M, Pueblo of San Ildefonso in the county of Santa Fe,
N, Pueblo of Pojuaque in the county of Santa Fe,
reported upon favorably by the surveyor-general of New Mexico, in his report of the thirtieth of September, eighteen hundred and fifty-six, to the Department of the Interior, and the claim designated as—
O, Pueblo of Zia in the county of Santa Ana,
P, Pueblo of Sandia in the county of Bernalillo,
Q, Pueblo of Isleta in the county of Bernalillo,
R, (supposed,) Pueblo of Nambe,
reported upon favorably by the said surveyor-general, on the thirtieth of November, eighteen hundred and fifty-six.
Also, the claim—
Number seven, of the town of Tecolote in the county of San Miguel,
Number eleven, of the town of Chilili in the county of Bernalillo,
Number thirteen, of the town of Belen in the county of Valencia,
reported for the favorable action of Congress, by the said surveyor-general on the thirtieth of September, eighteen hundred and fifty-seven; also the claim number two of the town of Tomé reported upon favorably by the surveyor-general of New Mexico in his report of the thirtieth of September, eighteen hundred and fifty-six, to the Department of the Interior; also the claim number twenty-nine of the town of Casa Colorado, reported upon favorably by the surveyor-general of New Mexico in his report of thirty first December, eighteen hundred and fifty-six to the Department of the Interior, be, and they are hereby, confirmed; and the Commissioner of the Land Office shall issue the necessary instructions for the survey of all of said claims, as recommended for confirmation by the said surveyor-general, and shall cause a patent to issue therefor as in ordinary cases to private individuals: *Provided*, That this confirmation shall only be construed as a relinquishment of all title and claim of the United States to any of said lands, and shall not affect any adverse valid rights, should such exist. (a)
(a) See Nos. 2136, 2241, 2142, 2144, 2147, 2149, 2150, 2151, 2152, 2163.

June 21, 1860. No. 2141.—AN ACT to confirm certain private land claims in the Territory of New Mexico.
Vol. 12, p. 71.

Certain private land claims in New Mexico confirmed. *Be it enacted, &c.*, That the private land claims in the Territory of New Mexico, as recommended for confirmation by the surveyor-general of that Territory, and in his letter to the Commissioner of the General Land Office, of the twelfth of January, eighteen hundred and fifty-eight, designated as numbers one, three, four, six, eight, nine, ten, twelve, fourteen, fifteen, sixteen, seventeen, and eighteen, and the claim of E.

E. W. Eaton. W. Eaton, not entered on the corrected list of numbers, but standing on the original docket and abstract returns of the surveyor-general as number sixteen, be, and they are hereby, confirmed: *Provided*, That the claim number nine, in the name of John Scolley and others, shall not be confirmed for more than five square leagues; and that the claim number seventeen, in the name of Cornelio Vigil and Ceran St. Vrain, shall not be confirmed for more than eleven square leagues to each of said claimants.

Survey and location of claims of Scolley, Vigil, and St. Vrain. SEC. 2. *And be it further enacted*, That in surveying the claim of said John Scolley it shall be lawful for him to locate the five square leagues confirmed to him in a square body in any part of the tract of twenty-five square leagues claimed by him; and that in surveying the claims of said Cornelio Vigil and Ceran St. Vrain, the location shall be made as follows, namely: the survey shall first be made of all tracts occupied by actual settlers holding possession under titles or promises to settle, which have heretofore been given by said Vigil and St. Vrain, in the tracts claimed by them, and after deducting the area of all such tracts from the area embraced in twenty-two square leagues, the remainder shall be located in two equal tracts, each of square form, in any part of the tract claimed by the said Vigil and St. Vrain selected by them; and it shall be the duty of the surveyor-general of New Mexico immediately to proceed to make the surveys and locations authorized and required by the terms of this section.

SEC. 3. *And be it further enacted*, That the private land claims in the Territory of New Mexico, as recommended for confirmation by said surveyor-general in his reports and abstract marked Exhibit A, as communicated to Congress by the Secretary of the Interior in his letter dated the third of February eighteen hundred and sixty, and numbered from twenty to thirty-eight, both inclusive, be, and the same are hereby, confirmed, with the exception of the claim numbered twenty-six, in the name of Juan B. Vigil, which claim, numbered twenty-six, is not confirmed.

Certain other private land claims in New Mexico, confirmed.

Except that of Juan B. Vigil.

SEC. 4. *And be it further enacted*, That the foregoing confirmation shall only be construed as quit-claims or relinquishments, on the part of the United States, and shall not affect the adverse rights of any other person or persons whomsoever.

Effect of confirmation.

SEC. 5. *And be it further enacted*, That it shall or may be lawful for the said Juan B. Vigil or any person claiming title under him, to institute suit against the United States for the lands claimed and embraced in said claim number twenty-six, not confirmed under the provisions of the third section of this act; said suit to be instituted in the supreme court of the Territory of New Mexico, to be defended by the district attorney of the United States for said Territory, under the direction of the Attorney-General of the United States, with the right of appeal to either party from the decision of said supreme court to the Supreme Court of the United States, if such appeal be asked for within one year from the rendition of the judgment in said supreme court of the Territory of New Mexico, and not thereafter: *Provided* That if the suit authorized by this section be not instituted within two years from the passage of this act, the said claimants shall be presumed to have abandoned all right or title to the lands embraced in said claim number twenty-six, and said lands shall thenceforth be held and deemed to be public lands belonging to the United States: *And provided further*, That in the determination of the suit authorized to be instituted by the terms of this section, the courts shall be governed by the treaty of Guadalupe Hidalgo, the law of nations, the laws, usages, and customs of the government from which the claim is derived, the principles of equity, and the decisions of the Supreme Court of the United States, so far as they are applicable.

Juan B. Vigil may institute suit, &c.

Provided.

Provided.

SEC. 6. *And be it further enacted*, That it shall be lawful for the heirs of Luis Maria Baca, who make claim to the said tract of land as is claimed by the town of Las Begas, to select instead of the land claimed by them, an equal quantity of vacant land, not mineral, in the Territory of New Mexico, to be located by them in square bodies, not exceeding five in number. And it shall be the duty of the surveyor-general of New Mexico, to make survey and location of the lands so selected by said heirs of Baca when thereunto required by them: *Provided, however*, That the right hereby granted to said heirs of Baca shall continue in force during three years from the passage of this act, and no longer. (a)

Heirs of Luis Maria Baca.

Survey and location.

Provided.

(a) See Nos. 2136, 2140, 2142, 2144, 2147, 2149, 2150, 2151, 2152, 2163.

NO. 2142.—AN ACT to confirm a certain private land claim in the Territory of New Mexico.

March 1, 1861.
Vol. 12, p. 887.

Be it enacted, &c., That the private land claim in the Territory of New Mexico, as recommended for confirmation by the surveyor-general of that Territory, and in his report to the Commissioner of the General Land Office, of November twenty-fourth, eighteen hundred and sixty, designated as number forty-three, be, and the same is hereby, confirmed: *Provided*, That the foregoing confirmation shall only be construed as quit-claim or relinquishment, on the part of the United States, and shall not affect the adverse rights of any other person or persons whomsoever. (a)

Private land-claim in New Mexico confirmed.

(a) See Nos. 2136, 2140, 2141, 2144, 2147, 2149, 2150, 2151, 2152, 2163.

NO. 2143.—AN ACT to provide a temporary government for the Territory of Arizona, and for other purposes.

Feb. 24, 1863.
Vol. 12, p. 664.

[See ARIZONA, No. 2217.]

June 11, 1864. **No. 2144.**—AN ACT to amend an act entitled "An act to confirm certain private land claims in the Territory of New Mexico."

Heirs of Luis Maria Baca may relocate certain land in New Mexico. *Be it enacted, &c.,* That the sixth section of the act entitled "An act to confirm certain private land claims in the Territory of New Mexico," approved June twenty-first, eighteen hundred and sixty, be, and the same is hereby, so amended as to enable the heirs of Luis Maria Baca to raise and withdraw the selection and location of one of the square bodies of land confirmed to them by said act, heretofore located by said heirs on the Pecos River, adjoining the Fort Sumner reservation, and to select and relocate the same, in the manner provided by said act, at any time before the twenty-first day of June, in the year eighteen hundred and sixty-five, upon any of the public lands, unoccupied and not mineral, within the limits of the Territory of New Mexico, as said limits were known and defined by law on the twenty-first day of June, in the year eighteen hundred and sixty; and upon such selection and relocation, the title to said square body of land, the same being the one-fifth part of the private claim confirmed to said heirs as aforesaid, so selected and relocated, shall be, and is hereby, confirmed to the said heirs of the said Luis Maria Baca as fully and perfectly as if the same had been selected and located within three years from and after the approval of the act aforesaid.

Effect of relocation.

Their right to former location to be void.

SEC. 2. *And be it further enacted,* That upon such selection and relocation all right, title, and interest of the said heirs of Luis Maria Baca, of, in, and to the square body of land heretofore selected and located by them on the Pecos River, adjoining the Fort Sumner reservation in New Mexico, is hereby divested and declared null and void, and the same shall revert in the Government of the United States. (a)

(a) See Nos. 2136, 2140, 2141, 2142, 2147, 2149, 2150, 2151, 2152, 2163.

June 30, 1864. **No. 2145.**—AN ACT to aid in the settlement, subsistence, and support of the Navajoe Indian captives upon a reservation in the Territory of New Mexico.

Appropriation to settle the Navajoe Indians. *Be it enacted, &c.,* That there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior, for the purpose of settling the Navajoe Indians, now captives in New Mexico, upon a reservation upon the Pecos River, in New Mexico, for the purchase of agricultural implements, seeds, and other articles necessary for such purpose, for breaking the ground, and for subsistence of said Indians to the end of the next fiscal year, the sum of one hundred thousand dollars.

Reservation may be extended, &c. **SEC. 2.** *And be it further enacted,* That the said reservation may, under the direction of the Secretary of the Interior, be so extended and enlarged on the south, as to include the entire valley of the Pecos River, known as the Bosque Grandé, and that the whole of said reservation, so enlarged, shall be designated and known as the Navajoe and Apache reservation, and as such shall, until otherwise ordered by law, be exempt from sale, and free from all occupancy except by the said Indians for the purposes herein mentioned; excepting such portion of the said land as is now occupied by Fort Sumner, or as may be needed for the use of said post.

Southern Apache agency abolished, &c. **SEC. 3.** *And be it further enacted,* That the southern Apache agency of New Mexico is hereby abolished, and that an agent for the Kioway, Apache, and Camanche Indians be appointed, at a salary of fifteen hundred dollars per annum.

July 2, 1864. Vol. 13, p. 344.

No. 2146.—AN ACT making appropriations, &c.

[New Mexico and Arizona to constitute one surveying district. See COLORADO, No. 2172.]

June 12, 1866. Vol. 14, p. 588.

No. 2147.—AN ACT to confirm the title of José Serafin Ramirez to certain lands in New Mexico.

Land grant to José Serafin Ramirez confirmed. *Be it enacted, &c.,* That the grant to José Serafin Ramirez of the Cañon del Agua, as approved by the surveyor-general of New Mexico January twenty, eighteen hundred and sixty, and designated as number seventy in the transcript of private land claims in New Mexico, transmitted to Congress by the Secretary of the Interior January eleven, eighteen hun-

dred and sixty-one, is hereby confirmed: *Provided, however,* That this Confirmation shall only be construed as a relinquishment on the part of the United States, and shall not affect the adverse rights of any persons whomsoever. (a)

(a) See Nos. 2136, 2140, 2141, 2142, 2144, 2149, 2150, 2151, 2152, 2163.

No. 2148.—AN ACT granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast.

July 27, 1866.
Vol. 14, p. 292.

[See MISSOURI, No. 1121.]

No. 2149.—AN ACT to confirm the title to certain land to the pueblo of Santa Ana, in the Territory of New Mexico.

Feb. 9, 1869.
Vol. 15, p. 438.

Be it enacted, &c., That the lands claimed by and belonging to the pueblo of Santa Ana, in the Territory of New Mexico, lying upon the Jemez or Santa Ana River, and not exceeding four square leagues in extent, as reported by the surveyor-general of said Territory in his report to the Secretary of the Interior, of January fifth, eighteen hundred and sixty-seven, be, and the same is hereby, confirmed, and the Commissioner of the General Land Office shall issue the necessary instructions for the survey of said claim, and upon the return and filing in his office of such survey and plot, said Commissioner shall issue a patent therefor: *Provided, however,* That the confirmation shall only be construed as a relinquishment of title on the part of the United States, and shall not affect any adverse valid right, should any such exist. (a)

Title to certain lands in New Mexico confirmed to the pueblo of Santa Ana.

Proviso.

(a) See Nos. 2136, 2140, 2141, 2142, 2144, 2147, 2150, 2151, 2152, 2163.

No. 2150.—AN ACT to amend an act entitled "An act to confirm certain private land claims in the Territory of New Mexico."

Feb. 25, 1869.
Vol. 15, p. 275.

Be it enacted, &c., That the exterior lines of the Cornelio Vigil and Cram St. Vrain claims of eleven leagues each, subject to claims derived from said parties as confirmed by the act of Congress approved twenty-first June, eighteen hundred and sixty, United States Statutes, volume twelve, page seventy-one, shall be adjusted according to the lines of the public surveys, as nearly as practicable, with the limits of said claims, yet in as compact a form as possible; and the claims of all actual settlers upon the tracts heretofore claimed by the said Vigil and St. Vrain, holding possession under titles or promises to settle, which have been made by said Vigil and St. Vrain, or their legal representatives prior to the passage of this act, who may establish their claims within one year from the passage of this act, to the satisfaction of the register and receiver of the proper land district, shall in like manner be adjusted according to the subdivisional lines of survey, so as to include the lands so settled upon or purchased, and the areas of the same shall be deducted and excluded from the adjusted limits of the claims of said Vigil and St. Vrain respectively; and the claims of all other actual settlers falling within the limits of the located claims of Vigil and St. Vrain shall be adjusted to the extent which shall embrace their several settlements upon their several claims being established either as pre-emption or homesteads, according to law; and for the aggregate of the areas of the latter class of claims the said Vigil and St. Vrain, or their legal representatives, shall be entitled to locate a like quantity of public lands, not mineral, according to the lines of the public surveys, and not to exceed one hundred and sixty acres in one section.

Claims of Cornelio Vigil and Cram St. Vrain to be adjusted.

Of all actual settlers on, &c.

Homestead and pre-emption claims.

SEC. 2. *And be it further enacted,* That it shall be the duty of the General Land Office to cause the lines of the public surveys to be run in the regions where a proper location would place the said Vigil and St. Vrain claims, and that the expense of the same shall be paid out of any moneys in the Treasury not otherwise appropriated; yet, before the confirmation of the said act of June twenty-first, eighteen hundred and sixty, shall become legally effective, the said Vigil and St. Vrain, or their legal representatives, shall pay the cost of so much of said surveys as enures to their benefit respectively, and that all settlers of

Lines of public surveys to be run.

Cost thereof.

Improvements of certain settlers. the said third class, whose claims may be adjusted as valid, shall have the right to enter their improvements by a strict compliance with the pre-emption or homestead laws.

Plats to claimants. SEC. 3. *And be it further enacted*, That upon the adjustment of the Vigil and St. Vrain claims according to the provisions of this act, it shall be the duty of the surveyor-general of the district to furnish proper approved plats to said claimants, or their legal representatives, and so in like manner to said derivative claimants, which shall be evidence of title, the same to be done according to such instructions as may be given by the Commissioner of the General Land Office.

Surveyor-general to give notice that the survey is being made. SEC. 4. *And be it further enacted*, That immediately upon running the lines as provided in section second of this act, the surveyor-general of said district shall notify the said Vigil and St. Vrain, or their agents or legal representatives, of the fact of such survey being made, and said claimants shall, within three months after notice of such survey, select and locate their said claims in accordance with such survey and the provisions of this act and of the act to which this is amendatory, so far as the same is not changed by this act, and shall within said time furnish the surveyor-general with the description of such location, specifying the lines of the same. And the party failing to make such selection and location, in such manner and within such time, shall be deemed and held to have abandoned their claim, and their rights and equities under this act, and the act to which this is amendatory, shall cease and terminate.

Claimants to select and locate claims within, &c. 3 months, or be held to have abandoned them. SEC. 5. *And be it further enacted*, That in case of the neglect or refusal of the said Vigil and St. Vrain, or either of them, to accept of the provisions of this act, and the act to which this is amendatory, and to locate their said claims, as provided therein, no suit shall be brought or proceedings instituted in any of the courts of the United States, by such party or by any one claiming through or under them, to establish or enforce said claims, or for any cause of action founded upon the same, after six months from the passage of this act. (a)

(a) See Nos. 2136, 2140, 2141, 2142, 2144, 2147, 2149, 2151, 2152, 2163.

March 3, 1869. Vol. 15, p. 342. No. 2151.—AN ACT to confirm certain private land claims in the Territory of New Mexico.

Certain private land claims in New Mexico confirmed. *Be it enacted, &c.*, That private land claims numbered forty-one, forty-two, forty-four, forty-six, and forty-seven, Territory of New Mexico, as known and designated by the numbers aforesaid in the reports of the surveyor-general of the said Territory and on the books of the Commissioner of the General Land Office, be, and the same are hereby, confirmed: *Provided*, That such confirmation shall only be construed as a quit-claim or [or] relinquishment of all title or claim on the part of the United States to any of the lands not improved by or on behalf of the United States, and not including any military or other reservation embraced in either of the said claims, and shall not affect the adverse rights of any person or persons to the same, or any part or parcel thereof.

Claims to be surveyed and platted, and patents to issue. SEC. 2. *And be it further enacted*, That the Commissioner of the General Land Office shall, without unreasonable delay, cause the lands embraced in said several claims to be surveyed and platted, at the proper expense of the claimants thereof, and upon the filing of said surveys and plats in his office he shall issue patents for said lands in said Territory which have heretofore been confirmed by acts of Congress and surveyed, and plats of such survey filed in his office as aforesaid, but for which no patents have heretofore been issued.

Surveys to conform to public surveys. SEC. 3. *And be it further enacted*, That all surveys authorized by this act shall conform to and be connected with the public surveys of the United States in said Territories, so far as the same can be done consistently with the landmarks and boundaries specified in the several grants upon which said claims are founded: *Provided, however*, That when said lands are so confirmed, surveyed, and patented, they shall in each case be held and taken to be in full satisfaction of all further claims or demands against the United States. (a)

Proviso.

(a) See Nos. 2136, 2140, 2141, 2142, 2144, 2147, 2149, 2150, 2152, 2163.

No. 2152.—JOINT RESOLUTION to construe an act entitled "An act to amend an act entitled 'An act to confirm certain private land claims in the Territory of New Mexico.'" April 28, 1870.
Vol. 16, p. 373.

Be it resolved, &c., That so much of an act approved February twenty-fifth, eighteen hundred and sixty-nine, and entitled "An act to amend an act entitled 'An act to confirm certain private land claims in the Territory of New Mexico,'" as requires that derivative claimants under Vigil and St. Vrain shall establish their claims to the satisfaction of the register and receiver of the proper land district within one year from the passage of said act, shall be so construed as to authorize the presentation of such derivative claims within one year from the completion and approval of the subdivisional surveys contemplated by said act of twenty-fifth February, eighteen hundred and sixty-nine. (a) Time extended for presenting certain claims.

SEC. 2. *And be it further resolved,* That all settlers entitled by said act to the rights of pre-emption or homestead shall have the further time of thirty days, after notice in their favor of their respective claims, to file their declaratory statements as pre-emptors or to make entry under the homestead laws, as they may select. For filing declaratory statements or making entry.

(a) See Nos. 2136, 2140, 2141, 2142, 2144, 2147, 2149, 2150, 2151, 2163.

No. 2153.—AN ACT to incorporate the United States Freehold Land and Emigration Company, and to confirm certain legislation in Colorado Territory. July 8, 1870.
Vol. 16, p. 192.

[See COLORADO, No. 2176.]

No. 2154.—AN ACT to provide for the disposition of useless military reservations. Feb. 24, 1871.
Vol. 16, p. 430.
[Provision for the sale of Fort Sumner military reservation. See WASHINGTON TERRITORY, No. 2305.]

No. 2155.—AN ACT to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes. March 3, 1871.
Vol. 16, p. 573.

[See CALIFORNIA, No. 2391.]

No. 2156.—AN ACT to reduce the limits of the military reservation at Fort Stanton, New Mexico. May 21, 1872.
Vol. 17, p. 139.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and instructed to reduce the limits of the military reservation at Fort Stanton, in New Mexico, to a tract not exceeding sixteen square miles. The new limits of said reservation shall embrace a strip of land eight miles in length, and shall extend one mile from each bank of the Rio Bonito; the boundaries thereof to be determined by the Secretary of War, and the balance of the reservation to be thrown open to entry and settlement under the laws of the United States. (a) Limits of military reservation at Fort Stanton, New Mexico, to be reduced. Boundaries.

(a) See Nos. 2136, 2154.

No. 2157.—AN ACT granting the right of way through the public lands to the Denver and Rio Grande Railway Company. June 8, 1872.
Vol. 17, p. 339.

[See COLORADO, No. 2181.]

No. 2158.—AN ACT to authorize the building of the New Mexico and Gulf Railway, and for other purposes. June 8, 1872.
Vol. 17, p. 343.

Be it enacted, &c., That the New Mexico and Gulf Railway Company have, and there is hereby granted to them, their successors and assigns, a strip of land one hundred feet wide on each side of the centre line of a railway route extending from the northwestern boundary of New Mexico, as near as practicable to the junction of the San Juan with the Rio Mancos, through Santa Fé County, and down the Pecos River Valley to the passage of said Pecos River into the State of Texas, at or near the thirty-second parallel, upon a route to be surveyed and designated by a competent engineer, as a right of way, together with the necessary lands for depots, stations, side-tracks, and other needful uses in operating said road and a telegraph line, not exceeding twenty acres at any one place: *Provided,* That the location for depots, stations and side-tracks shall not exceed for the whole line of said road more than one Right of way, &c., through public lands granted to the New Mexico and Gulf Railway Company. Limit to grant.

- location of twenty acres for every ten miles of the same, and when made upon surveyed lands shall conform to Government surveys.
- Plat of any section to be located within, &c., with register, &c.** SEC. 2. That said company shall, within six months after the location of any section of twenty miles or more of their said road, if the same be upon surveyed land, and if upon unsurveyed land, then within six months after the survey thereof by the United States, file a plat of such located section, together with proof thereof, with a register of the land office for the district wherein said located section may be situated, and upon approval thereof the same shall be noted upon the township plats in said office, and thereafter all lands over which the said line of road shall pass shall be sold, located, or disposed of by the United States, subject to such right of way so located as aforesaid: *Provided*, That the line of said road shall be located within one year after the passage of this act: *And provided further*, That said road shall be completed within ten years thereafter: *And provided also*, That when the route of said road shall pass through lands other than those of the United States, or when it may be necessary for said railroad company to take any lands other than those of the United States for any of the purposes herein mentioned, necessary to said right of way, such right of way through or title to such lands shall be secured in accordance with the laws of the State or Territory in which they may be situated: *Provided also*, That the rights herein granted shall not preclude the construction of other roads through any cañon, defile, or pass on said route.
- Lands afterwards to be sold subject to such right of way.** Line, when to be located, and road completed.
- Right of way through other lands than those of the United States.** SEC. 3. That nothing herein shall be construed as affirming or denying the power of a Territory to incorporate a railroad company.
- Other roads through defiles, &c.** SEC. 4. That Congress reserves to itself the right to alter, amend, or repeal this act, whenever in its judgment the interest of the people shall require it. (a)
- Power of Territory to incorporate, &c.** (a) See Nos. 1121, 2143, 2155, 2158, 2160, 2161.
- Act may be altered, &c.**

March 3, 1874. Vol. 18, p. 18. **No. 2159.**—AN ACT creating an additional land district in the Territory of New Mexico.

La Mesilla land district in New Mexico established. *Be it enacted, &c.*, That all that portion of the Territory of New Mexico lying south of the principal base line of said Territory shall constitute a separate land district, to be called the La Mesilla land district, the office of which shall be located at such place in said district as the President of the United States may direct, which may be changed from time to time as the public interest may require.

Location of land office. SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate, a register and receiver of public moneys for said district, and said officers shall reside in the place where said land office is located, and they shall have the same powers, perform the same duties, and receive the same emoluments as are or may be prescribed by law in relation to land offices of the United States in other Territories. (a)

(a) See No. 2139.

March 3, 1875. Vol. 18, p. 516. **No. 2160.**—AN ACT to correct a clerical error in the act granting the right of way through the public lands to the Denver and Rio Grande Railway Company, approved June eight, eighteen hundred and seventy-two.

[See COLORADO, No. 2189.]

March 3, 1877. Vol. 19, p. 405. **No. 2161.**—AN ACT to amend an act entitled "An act granting the right of way through the public lands to the Denver and Rio Grande Railway Company," approved June eight, eighteen hundred and seventy-two.

[See COLORADO, No. 2191.]

June 6, 1878. Vol. 20, p. 537. **No. 2162.**—AN ACT to confirm the title of Benjamin E. Edwards, his heirs, assigns or legal representatives, to a certain tract of land in the Territory of New Mexico.

Benjamin E. Edwards. *Be it enacted, &c.*, That Benjamin E. Edwards, his heirs, assigns, or legal representatives, be, and are hereby, confirmed in the title to six hundred and forty acres of land, situate in the Territory of New Mexico, being the tract of land located by virtue of a certificate numbered four hundred and forty-four, of the second class, issued by the board of land commissioners for the county of Bexar and State of Texas, to one Andrew Flores, and dated the sixteenth day of August, anno Domini eighteen hundred and forty-seven, and the same tract of land for which a patent was authorized to be issued by the act of the legislature of the State of

Texas, entitled "An act to require the Commissioner of the General Land Office to issue patents for lands therein named," approved December second, eighteen hundred and fifty, and which is more particularly described in the plat and field-notes accompanying the survey thereof, executed by R. S. Howard, deputy surveyor, and approved of by the district surveyor for the district of Bexar, on the thirtieth day of November, eighteen hundred and forty-nine, which said survey is numbered thirty-eight, in section numbered fifteen, in what was then known as the Bexar land district for the State of Texas, and which is now of record in the office of the Commissioner of the General Land Office in the State of Texas.

SEC. 2. That the Commissioner of the General Land Office, upon the receipt of the proper plat and survey, shall cause a patent to be issued to said Benjamin E. Edwards, his heirs, assigns, or legal representatives, for the lands hereby confirmed: *Provided, however,* That such patent shall be construed as a relinquishment only of title on the part of the United States, and shall not affect the right of any third person.

Issue of patent.

Proviso.

No. 2163.—AN ACT to confirm a certain private land claim in the Territory of New Mexico.

Jan. 28, 1879.
Vol. 20, p. 592.

Be it enacted, &c., That the private land claim in the Territory of New Mexico known as the Mesita Juana Lopez grant, made by the Spanish Government January eighteenth, seventeen hundred and eighty-two, examined, approved, and recommended for confirmation by the surveyor-general of New Mexico, November twenty-ninth, eighteen hundred and seventy-two, designated as private land claim number sixty-four, and duly surveyed by the United States, the field-notes of the survey and plat being approved by the surveyor-general of New Mexico on February twenty-eighth, eighteen hundred and seventy-seven, be, and the same is hereby, confirmed: *Provided,* That the foregoing confirmation shall only be construed as a quit-claim or relinquishment of all title or claim on the part of the United States in and to said private land claim, and shall not affect the adverse rights of any person or persons to the same; nor shall the United States be liable to make compensation for any part of said land to which there are or may be any adverse rights or claim. (a)

Mesita Juana Lopez private land claim confirmed.

Adverse rights saved.

(a) See Nos. 2138, 2140, 2141, 2142, 2144, 2147, 2149, 2150, 2151, 2152.

C O L O R A D O .

Feb. 28, 1861.
Vol. 12, p. 172.

No. 2164.—AN ACT to provide a temporary government for the Territory of Colorado.

Territory of
Colorado estab-
lished.
Boundaries.

Be it enacted, &c., That all that part of the territory of the United States included within the following limits, viz: commencing on the thirty-seventh parallel of north latitude, where the twenty-fifth meridian of longitude west from Washington crosses the same; thence north on said meridian to the forty-first parallel of north latitude; thence along said parallel west to the thirty-second meridian of longitude west from Washington; thence south on said meridian to the northern line of New Mexico; thence along the thirty-seventh parallel of north latitude to the place of beginning, be and the same is hereby erected into a temporary government by the name of the Territory of Colorado:

Indian rights
preserved.

Provided, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory: but all such territory shall be excepted out of the boundaries and constitute no part of the Territory of Colorado until said tribe shall signify their assent to the President of the United States to be included within the said Territory, or to affect the authority of the Government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent for the Government to make if this act had never passed: *Provided further,* That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion thereof to any other Territory or State. (a)

Indian terri-
tory excepted,
until, &c.

Territory may
be divided.

School sections
reserved.

SEC. 14. *And be it further enacted,* That when the land in the said Territory shall be surveyed, under the direction of [the] Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be and the same are hereby reserved for the purpose of being applied to schools in the States hereafter to be erected out of the same. (b)

Constitution
and laws applica-
ble, &c.

SEC. 16. *And be it further enacted,* That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of Colorado as elsewhere within the United States.

Surveyor-gen-
eral; duties, pay,
&c.

SEC. 17. *And be it further enacted,* That the President of the United States, by and with the advice and consent of the Senate, shall be and he is hereby authorized to appoint a surveyor-general for Colorado, who shall locate his office at such place as the Secretary of the Interior shall from time to time direct, and whose duties, powers, obligations, responsibilities, compensation, and allowances for clerk hire, office rent, fuel, and incidental expenses, shall be the same as those of the surveyor-general of New Mexico, under the direction of the Secretary of the Interior, and such instructions as he may from time to time deem it advisable to give him. (c)

(a) See Nos. 2170, 2182, 2190.

(b) See Nos. 2170, 2182, 2192.

(c) See Nos. 2165, 2166, 2172, 2177.

No. 2165.—AN ACT making appropriations, &c. March 14, 1862.
Vol. 12, p. 355.
[Colorado and Utah to make one surveying district. See CALIFORNIA,
No. 2346.]

No. 2166.—AN ACT to reduce the expenses of the survey and sale of the public lands in the United States. May 30, 1862.
Vol. 12, p. 409.
[See CALIFORNIA, No. 2348.]

No. 2167.—AN ACT to establish a land office in Colorado Territory, and for other purposes. June 2, 1862.
Vol. 12, p. 413.

SEC. 2. *And be it further enacted*, That the public lands within the Territory of Colorado to which the Indian title is or shall be extinguished shall constitute a new land district, to be called the Colorado district; and the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a register and receiver of public moneys for said district, who shall be required to reside at the place at which receiver. Colorado district established.
said office shall be located, and they shall have the same powers, perform the same duties, and be entitled to the same compensation as are or may be prescribed by law in relation to land offices of the United States in the State of Kansas. (a) Register and Powers, duties, and salaries.

(a) See Nos. 2174, 2186.

No. 2168.—AN ACT to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes. July 1, 1862.
Vol. 12, p. 439.
[See NEBRASKA, No. 2092.]

No. 2169.—A RESOLUTION to enable the Secretary of the Treasury to obtain the title to certain property in the city of Denver, Colorado Territory, for the purposes of the branch mint located in said place. March 3, 1863.
Vol. 12, p. 827.

Whereas, the Secretary of the Treasury of the United States, in order to carry into effect an act entitled "An act to establish a branch mint at Denver, in the Territory of Colorado," approved April twenty-first, eighteen hundred and sixty-two, has purchased of Messrs. Clarke, Gruber, and Company, the preëm[p]tors and occupants thereof, certain city lots in said town of Denver, together with all the valuable improvements thereon: Preamble.

And whereas the said Clarke, Gruber, and Company have not, and cannot at an early day, perfect their title to said lots by entry of the same at the district land office, for the sole reason that no such office is yet established in said district.

And whereas it is highly important for the interest of the Government to obtain at an early day the use and possession of said property to establish and open said mint, therefore,

Resolved, &c., That the Secretary of the Treasury be, and he is hereby, authorized to receive and accept from said Clarke, Gruber, and Company such relinquishments and conveyances of their right or claim to said lots and property, as he, the said Secretary, shall deem sufficient for the extinguishment of any claim, right, or title which the said Clarke, Gruber, and Company may or can have thereto. And said lots and property shall thereafter be reserved from public sale, pre-emption, or homestead settlement, and shall remain the property of the United States. Secretary of the Treasury to receive conveyance of rights of grant-ors to certain lots in Denver. Lots to be reserved from sale, &c.

No. 2170.—AN ACT to enable the people of Colorado to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States. March 21, 1864.
Vol. 13, p. 32.

Be it enacted, &c., That the inhabitants of that portion of the Territory of Colorado included in the boundaries hereinafter designated be, and they are hereby, authorized to form for themselves, out of said Territory, a State government, with the name aforesaid; which said State, when formed, shall be admitted into the Union upon an equal footing with the original States, in all respects whatsoever. Territory of Colorado made a State, &c.

Boundaries.

SEC. 2. *And be it further enacted*, That the said State of Colorado shall consist of all the territory included within the following boundaries, to wit: Commencing at a point formed by the intersection of the thirty-seventh degree of north latitude with the twenty-fifth degree of longitude west from Washington; extending thence due west along said thirty-seventh degree of north latitude to a point formed by its intersection with the thirty-second degree of longitude west from Washington; thence due north along said thirty-second degree of west longitude to a point formed by its intersection with the forty-first degree of north latitude; thence due east along said forty-first degree of north latitude to a point formed by its intersection with the twenty-fifth degree of longitude west from Washington; thence due south along said twenty-fifth degree of west longitude. (a)

SEC. 4. * * * *And provided, further*, That said convention shall provide, by an ordinance, irrevocable without the consent of the United States and the people of said State:—

Unappropriated public lands.

Third. That the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States, residing without the said State, shall never be taxed higher than the land belonging to residents thereof, and that no taxes shall be imposed by said State on lands or property therein belonging to, or which may hereafter be purchased, by the United States.

Taxes.

School lands.

SEC. 7. *And be it further enacted*, That sections numbered sixteen and thirty-six, in every township, and where such sections have been sold, or otherwise disposed of by any act of Congress, other lands equivalent thereto in legal subdivisions of not less than one quarter-section, and as contiguous as may be, shall be, and are hereby, granted to said State for the support of common schools. (b)

Lands for public buildings.

SEC. 8. *And be it further enacted*, That provided the State of Colorado shall be admitted into the Union, in accordance with the foregoing provisions of this act, that twenty entire sections of the unappropriated public lands within said State, to be selected and located by direction of the legislature thereof on or before the first day of January, anno Domini eighteen hundred and sixty-eight, shall be, and they are hereby, granted in legal subdivisions of not less than one hundred and sixty acres to said State, for the purpose of erecting public buildings at the capital of said State for legislative and judicial purposes, in such manner as the legislature shall prescribe. (c)

For penitentiary building.

SEC. 9. *And be it further enacted*, That twenty other entire sections of land, as aforesaid, to be selected and located as aforesaid, in legal subdivisions as aforesaid, shall be, and they are hereby, granted to said State for the purpose of erecting a suitable building for a penitentiary or State prison in the manner aforesaid. (c)

Five per cent. of sales of public lands to be paid to the State.

SEC. 10. *And be it further enacted*, That five per centum of the proceeds of the sales of all public lands lying within said State, which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State, for the purpose of making and improving public roads, constructing ditches or canals, to effect a general system of irrigation of the agricultural land in the State, as the legislature shall direct. (c)

Laws of the United States made applicable.

SEC. 11. *And be it further enacted*, That from and after the admission of the said State of Colorado into the Union, in pursuance of this act, the laws of the United States not locally inapplicable shall have the same force and effect within the said State as elsewhere within the United States, and said State shall constitute one judicial district, and be called the district of Colorado.

Judicial district.

(a) See Nos. 2164, 2188, 2190.

(b) See Nos. 2164, 2188, 2192.

(c) See No. 2188.

No. 2171.—AN ACT for the relief of the citizens of Denver, in the Territory of Colorado. May 28, 1864.
Vol. 13, p. 94.

Be it enacted, &c., That the provisions of an act of Congress entitled "An act for the relief of the citizens of towns upon the lands of the United States, under certain circumstances," approved May twenty-third, eighteen hundred and forty-four, be so extended as to authorize the probate judge of Arapahoe County, in the Territory of Colorado, to enter, at the minimum price, in trust for the several use and benefit of the rightful occupants of said land and the bona-fide owners of the improvements thereon, according to their respective interests, the following legal subdivisions of land, or such portions thereof as are settled and actually occupied for town purposes by the town of Denver aforesaid, to wit: Section number thirty-three, and the west half of section number thirty-four, in township number three south of range number sixty-eight west of the sixth principal meridian: *Provided, however,* That there shall be reserved from such sale and entry such blocks or lots in the town of Denver as may be necessary for Government purposes, to be designated by the Commissioner of the General Land Office.

Certain lands in Denver may be entered, for the use of the town, at the minimum price.

Lots for Government purposes to be reserved.

SEC. 2. *And be it further enacted,* That in all respects, except as herein modified, the execution of the foregoing provisions shall be controlled by the provisions of said act of twenty-third May, eighteen hundred and forty-four, and the rules and regulations of the Commissioner of the General Land Office. (a)

Provisions of act of 1844, &c., otherwise to apply.

(a) See Nos. 2180, 2192.

No. 2172.—AN ACT making appropriations for sundry civil expenses of the Government for the year ending the thirtieth of June, eighteen hundred and sixty-five, and for other purposes. July 2, 1864.
Vol. 13, p. 344.

SEC. 8. *And be it further enacted,* That, until otherwise directed by law, the Territory of New Mexico, and the Territory of Arizona shall constitute one surveyor-general's district; that the Territory of Idaho and Nevada shall constitute, and be a part of, the surveyor-general's district of Colorado; that the Territory of Dakota and Montana shall constitute one surveyor-general's district, and that there shall be but one office of surveyor-general for each surveyor-general's district; that the provisions of this section shall be executed under such rules and regulations as may be prescribed by the Commissioner of the General Land Office; and that all acts and parts of acts in conflict with the provisions of this section are hereby repealed. (a)

Surveyor-general's district in New Mexico, Arizona, Idaho, Nevada, Dakota, and Montana.

Repeal.

(a) See Nos. 2164, 2165, 2166, 2177.

No. 2173.—AN ACT to authorize the transfer of lands granted to the Union Pacific Railway Company, eastern division, between Denver and the point of its connection with the Union Pacific Railroad, to the Denver Pacific Railway and Telegraph Company, and to expedite the completion of railroads to Denver, in the Territory of Colorado. March 3, 1860.
Vol. 13, p. 344.

Be it enacted, &c., That the Union Pacific Railway Company, eastern division, be, and it hereby is, authorized to contract with the Denver Pacific Railway and Telegraph Company, a corporation existing under the laws of the Territory of Colorado, for the construction, operation, and maintenance of that part of its line of railroad and telegraph between Denver City and its point of connection with the Union Pacific Railroad, which point shall be at Cheyenne, and to adopt the road-bed already graded by said Denver Pacific Railway and Telegraph Company as said line, and to grant to said Denver Pacific Railway and Telegraph Company the perpetual use of its right of way and depot grounds, and to transfer to it all the rights and privileges, subject to all the obligations pertaining to said part of its line.

Union Pacific Railroad Company may contract with Denver Pacific Railway and Telegraph Company for the construction, &c., of its road and telegraph between Denver City and Cheyenne, &c.

SEC. 2. *And be it further enacted,* That the said Union Pacific Railway Company, eastern division, shall extend its railroad and telegraph to a connection at the city of Denver, so as to form with that part of its line herein authorized to be constructed, operated, and maintained by the Denver Pacific Railway and Telegraph Company, a continuous line of railroad and telegraph from Kansas City, by way of Denver to Cheyenne. And all the provisions of law for the operation of the Union Pacific Railroad, its branches and connections, as a continuous line,

Shall extend its railroad and telegraph to, &c., so as to form continuous line from Kansas City to Cheyenne.

Laws to apply. without discrimination, shall apply the same as if the road from Denver to Cheyenne had been constructed by the said Union Pacific Railway Company, eastern division; but nothing herein shall authorize the said eastern division company to operate the road or fix the rates of tariff for the Denver Pacific Railway and Telegraph Company.

Operating of road and rates of tariff not affected. **SEC. 3.** *And be it further enacted,* That said companies are hereby authorized to mortgage their respective portions of said road, as herein defined, for an amount not exceeding thirty-two thousand dollars per mile, to enable them respectively to borrow money to construct

The companies may mortgage their roads. the same; and that each of said companies shall receive patents to the alternate sections of land along their respective lines of road, as herein defined, in like manner and within the same limits as is provided by law in the case of lands granted to the Union Pacific Railway Company,

To receive patents for alternate sections of land. eastern division: *Provided,* That neither of the companies hereinbefore mentioned shall be entitled to subsidy in United States bonds under the provisions of this act. (a)

(a) See Nos. 2092, 2122, 2162, 2181, 2185, 2187, 2189, 2191.

May 27, 1870.
Vol. 16, p. 139.

No. 2174.—AN ACT creating an additional land district in the Territory of Colorado.

Arkansas Valley land district established in Colorado.
Boundaries.

Be it enacted, &c., That all that portion of the Territory of Colorado embraced in the following-described limits, to wit: commencing at the eastern boundary of the Territory at the intersection of the second correction line south and running thence west on that line to the line dividing ranges numbered seventy-five and seventy-six west of the sixth principal meridian; thence south with the range line to the third correction line south; thence west on said line to the western boundary of the Territory; thence south to the southern boundary of said Territory; thence east to the eastern boundary of said Territory; thence north to the place of beginning; shall constitute a separate land district, to be called the Arkansas Valley land district, the office of which shall be located at such place in said district as the President of the United States may direct, which may be changed by him from time to time as the public interest may require.

Location of office.

Register and receiver.

SEC. 2 *And be it further enacted,* That the President shall appoint, by and with the advice and consent of the Senate, or in the recess of the Senate, a register and receiver of public moneys for said district; and said officers shall reside in the place where said land office is located, and shall have the same powers and receive the same emoluments as the same officers now receive in the land districts in the State of Nevada. (a)

Their residence, pay, &c.

(a) See Nos. 2167, 2186.

July 1, 1870.
Vol. 16, p. 646.

No. 2175.—AN ACT to confirm the title of the heirs of Gervacio Nolan, deceased, to certain lands in the Territory of Colorado.

Grant of certain lands in New Mexico to Gervacio Nolan confirmed.

Be it enacted, &c., That the grant to Gervacio Nolan, late of the valley of Taos, deceased, approved by the surveyor-general of New Mexico October eighth, eighteen hundred and sixty-one, and designated as number forty-eight in the transcript of private land claims in New Mexico, transmitted to Congress by the Secretary of the Interior on the twelfth day of May, eighteen hundred and sixty-two, but being now within the limits of the Territory of Colorado, is hereby confirmed to the extent of eleven square leagues.

Exterior lines how to be adjusted.

SEC. 2. *And be it further enacted,* That the exterior lines of said claim of eleven leagues as confirmed by this act shall be adjusted according to lines of the public surveys as near as practicable, but in a compact form, and the claims of all actual settlers falling within the limits of the located claim above referred to shall be adjusted to the extent which will embrace their several settlements upon their several claims being established either as pre-emptions or homesteads according to law, and for the aggregate of the *arcas* [areas] of claims so established under the pre-emption or homestead acts, the heirs of said Nolan, or their legal representatives, shall be entitled to locate a like quantity of public lands, not mineral, according to the lines of the public surveys, and not to exceed one hundred and sixty acres in one section: *Provided,* That such location shall be made within the bounds of the original grant by the order of Cornelio Vigil to Gervacio Nolan.

Claims of actual settlers.

Location in lieu of claims established under the homestead &c., acts.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Commissioner of the General Land Office to cause the lines of the public surveys to be run in the regions where a proper location would place the said Nolan claim, and the expense of the same shall be paid out of any moneys in the Treasury not otherwise appropriated; but before the confirmation provided for by this act shall become legally effective, the heirs of the said Gervacio Nolan, or their legal representatives, shall pay the cost of so much of said surveys as inures to their benefit respectively, and that all actual settlers whose claims may be adjusted as valid shall have a right to enter their improvements by a strict compliance with the pre-emption or homestead laws.

Lines of public surveys to be run.

Heirs of Nolan to pay cost of surveys.

SEC. 4. *And be it further enacted*, That upon the adjustment of said claims of the heirs of Gervacio Nolan, according to the provisions of this act, it shall be the duty of the surveyor-general of the district to furnish properly approved plats to said claimants, or their legal representatives, which shall be evidence of title, the same to be done according to such instructions as may be given by the Commissioner of the General Land Office: *Provided, however*, That when said lands are so confirmed, surveyed, and patented, they shall be held and taken to be in full satisfaction of all further claims or demands against the United States.

Surveyor-general to furnish plats to claimants, when, &c.

Proviso.

SEC. 5. *And be it further enacted*, That immediately upon running the lines provided for in the second section of this act the surveyor-general of the district shall notify the said heirs of Gervacio Nolan, or their legal representatives, of the fact of such survey being made, and said claimants shall, within three months after notice of such survey, select and locate their said claims according to the provisions of this act, and shall, within said time furnish the surveyor-general with a description of such location, specifying the lines of the same, and the party failing to make such selection and location in such manner and within such time shall be deemed and held to have abandoned their claim, and their rights and equities under this act shall cease and terminate.

Claimants to select, &c., claims in three months after notice of survey, and furnish description of location.

No. 2176.—AN ACT to incorporate the United States Freehold Land and Emigration Company, and to confirm certain legislation in Colorado Territory.

July 8, 1870.
Vol. 16, p. 192.

Be it enacted, &c., That William Gilpin, Ambrose E. Burnside, S. L. M. Barlow, Charles A. Lombard, William H. Reynolds, Hiram Hitchcock, Henry W. Gray, Morton C. Fisher, and such other persons as may be associated with them and their successors, are hereby created a body politic and corporate, in the Territories of Colorado and New Mexico, by the name, style, and title of the "United States Freehold Land and Emigration Company," and by that name shall have succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended, in all proper courts of law and equity, and may make and have a common seal.

United States Freehold Land and Emigration Company incorporated in Colorado and New Mexico.

Power.
Seal.

SEC. 2. *And be it further enacted*, That the capital stock of the said corporation shall be two and one half millions of dollars, divided into shares of one hundred dollars each, and the same shall be deemed to be personal property and transferable on the books of the company only, and such capital stock may be increased from time to time to the extent necessary to carry out the objects for which said company is formed, not exceeding in the whole the sum of ten million dollars upon a vote of two-thirds in amount of the stock for the time being in favor of such increase.

Capital stock.
Shares, and how transferable.

SEC. 3. *And be it further enacted*, That the said company shall have power to make such by-laws as it deems proper for the disposition of its property and estate, and for the management of its business and affairs, for the regulation of the term of office of its officers and their duties, and to carry out the general objects of the corporation, and the same to amend or repeal at pleasure: *Provided*, That such by-laws shall not conflict with any law of the United States, or of the Territories of Colorado and New Mexico, or the States which may be formed therein.

By-laws.

Proviso.

SEC. 4. *And be it further enacted*, That the corporators named in this act shall be the directors for the first year from the organization of the company, and until others are elected; and thereafter annual elections of directors, not less than five or more than nine in number, shall be held by the stockholders, at meetings to be called for that purpose, at which each share of stock present in person or by proxy shall be entitled to one vote, and the majority thereof shall elect.

Corporators to be first directors.

Number of directors.
Proxies.

Objects of cor- poration. SEC. 5. *And be it further enacted*, That the general objects of such corporation are, and are hereby declared to be, as follows: To promote and encourage emigration to and establish settlements on the lands of said company in the San Louis Park, in the Territories of Colorado and New Mexico, and in connection therewith, to establish such agencies as it may deem desirable; to purchase, hold, lease, sell, and mortgage any real estate situate in the San Louis Park in said Territories, or either of them, now owned or contracted for by any of the persons named in the first section of this act, with any co-tenant thereof, his or their heirs or assigns; to survey, lay out, and improve the same; to establish, maintain, and operate wagon roads to and upon its property; to construct and maintain a railroad and telegraph line from any point on lands of said company in the San Louis Park, to the nearest and most practicable point on either the Kansas Pacific Railroad, the Union Pacific Railroad, the Denver Branch Railroad, or the Atchison, Topeka and Santa F6 Railroad, and the said company, for the purpose of building and operating such railroad, shall have the right of way through the public lands of the United States from and between the points aforesaid, the said right of way being to the extent of two hundred feet on each side of said railroad line; and such corporation shall possess all the franchises necessary to enable it to build and operate such railroad for the transportation of freight and passengers, and to collect and receive compensation therefor; and the powers, privileges, and franchises conferred on corporations by and under the provisions of chapter eighteen of the revised statutes of Colorado, or of any and all amendments thereto, are hereby confirmed to and invested in said corporation, subject to said statutes for the purposes of this act: *Provided*, That this act shall not be construed to permit said company to acquire title to any other lands or real estate than such as is above mentioned.

Proviso.

Corporation may issue bonds secured by mortgage. SEC. 6. *And be it further enacted*, That such corporation may make and dispose of its bonds or other obligations in such amounts, at such rates, and on such terms as it may deem most for its interest, for the purpose of borrowing money for the purposes aforesaid, and may secure the same by a mortgage upon all or any part of its property and all its franchises, and may make the same and the interest thereon payable at such place or places as it may deem proper, and may hold and transfer such real estate aforesaid and personal property as may be necessary for the carrying out of its general purposes, and may issue its stock and bonds for property and again exchange its property for its bonds or stock, and may convert any of its obligations, at the option of the holders, into stock of the company without further action of the stockholders.

May issue stock.

Act when to take effect, and corporation to be subject to State laws. SEC. 7. *And be it further enacted*, That this act shall take effect immediately, and shall at all times be subject to amendment or repeal by Congress, and said corporation shall be subject to the general laws of said Territories, and the States formed therein, operating upon all corporations equally.

July 14, 1870. Vol. 16, p. 279. **No. 2177.**—AN ACT to extend the provisions of the pre-emption laws to the Territory of Colorado, and for other purposes.

Pre-emption laws, &c., extended to Colorado. *Be it enacted, &c.*, That the privileges of the act of May thirtieth, eighteen hundred and sixty-two, entitled "An act to reduce the expenses of the survey (a) and sale (b) of the public lands in the United States," be, and the same are hereby, extended to Colorado.

(a) See Nos. 2164, 2165, 2166, 2172.
(b) See Nos. 2166, 2172, 2184.

April 23, 1872. Vol. 17, p. 55. **No. 2178.**—AN ACT authorizing the Secretary of the Interior to make certain negotiations with the Ute Indians in Colorado.

Negotiations to be made with the Ute Indians to extinguish their right in a certain reservation. *Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and empowered to enter into negotiations with the Ute Indians, in Colorado Territory, for the extinguishment of their right to the south part of a certain reservation made in pursuance of a treaty concluded March second, eighteen hundred and sixty-eight, situate in

the southwest portion of the said Territory of Colorado; and report his proceedings under this act to Congress for its consideration, the expense of such negotiation to be paid by the United States, and to be hereafter appropriated. (a)

(a) See No. 2183, 2192a.

No. 2179.—AN ACT declaring the lands constituting the Fort Collins military reservation, in the Territory of Colorado, subject to pre-emption and homestead entry, as provided for in existing laws.

May 15, 1872.
Vol. 17, p. 120.

Be it enacted, &c., That the lands constituting the Fort Collins military reservation, in the Territory of Colorado, so far as the same have not been lawfully disposed of since their reservation, are hereby restored to the United States and made subject to pre-emption and homestead entry only, as now provided for by law. (a)

Lands constituting the Fort Collins military reservation made subject to pre-emption and homestead entry.

(a) See Nos. 2166, 2177, 2184.

No. 2180.—AN ACT to enable the city of Denver to purchase certain lands in Colorado for a cemetery.

May 21, 1872.
Vol. 17, p. 140.

Be it enacted, &c., That the mayor of the city of Denver, in Colorado Territory, be, and he is hereby, authorized to enter through the proper land office, at the minimum price per acre, the following lands belonging to the United States, to wit: The northwest quarter of the southwest quarter of section number one, and the southwest quarter of the southeast quarter and the north half of the southeast quarter of section number two, in township number four south, of range number sixty-eight west of the sixth principal meridian in the Territory of Colorado, being one hundred and sixty acres of land, lying adjacent to said city of Denver, to be held and used for a burial-place for said city and vicinity. (a)

City of Denver may purchase, at, &c., certain public lands for a cemetery.

(a) See Nos. 2171, 2192.

No. 2181.—AN ACT granting the right of way through the public lands to the Denver and Rio Grande Railway Company.

June 8, 1872.
Vol. 17, p. 330.

Be it enacted, &c., That the right of way over the public domain, one hundred feet in width on each side of the track, together with such public lands adjacent thereto as may be needed for depots, shops, and other buildings for railroad purposes, and for yard-room and side-tracks, not exceeding twenty acres at any one station, and not more than one station in every ten miles, and the right to take from the public lands adjacent thereto stone, timber, earth, water, and other material required for the construction and repair of its railway and telegraph line be, and the same are hereby, granted and confirmed unto the Denver and Rio Grande Railway Company, a corporation created under the incorporation laws of the Territory of Colorado, its successors and assigns; and all the rights, powers, and franchises conferred by the said laws on corporations created under them for constructing and operating railroad and telegraph lines are hereby ratified and confirmed to the above-named railway company, its successors and assigns; and the same rights, powers, and franchises conferred by the general incorporation laws of the Territory of Colorado for the construction of railroads and telegraph lines, are hereby granted to the said company, its successors and assigns, for the extension and operation of its railway and telegraph line in and through any contiguous territory of the United States to the northern boundary line of Mexico, subject to the compliance with the conditions and requirements of the general incorporation laws of such Territory so far as the same are applicable and not inconsistent with the laws of the United States; and the same rights, powers, and privileges conferred upon the Union Pacific Railroad Company by section three of an act approved July second, eighteen hundred and sixty-four, are hereby conferred upon the above-named company, its successors and assigns: *Provided*, That applications for the assessment of damages shall be made to the court, or any judge of a court having jurisdiction in the county in which the lands or premises lie: *Provided*, That said company shall complete its railway to a point on the Rio Grande as far south as Santa Fé within five years of the passage of this act, and shall complete

Right of way through the public lands granted to the Denver and Rio Grande Railway Company. Extent of grant.

Damages.

Railway when to be completed.

fifty miles additional south of said point in each year thereafter, and in default thereof, the rights and privileges herein granted shall be rendered null and void so far as respects the unfinished portion of said road: *And provided further*, That nothing in this act contained shall be construed as affirming or denying the right of any Territory to incorporate a railroad company. (a)

(a) See Nos. 2092, 2122, 2168, 2173, 2185, 2187, 2189, 2191.

April 11, 1874. **No. 2182.—AN ACT for the relief of Robert Bent and Jack Smith.**
Vol. 18, p. 535. *Be it enacted, &c.,* That the gift of six hundred and forty acres of land, each recommended to be made to Robert Bent and Jack Smith, son of John S. Smith, by the postscript to the treaty concluded with the Arapahoe and Cheyenne Indians, February eighteenth, eighteen hundred and sixty-one, be, and the same is hereby, confirmed; and the Secretary of the Interior is hereby authorized and directed to cause patents in fee-simple to be issued for the same to said persons or their heirs, conveying to them all of the right, title, interest, and estate of the United States therein: *Provided*, That the provisions of this act shall not be construed or have the effect to interfere with or impair any rights of any person to said lands which may have been already acquired under the homestead or pre-emption laws of the United States.

April 29, 1874. **No. 2183.—AN ACT to ratify an agreement with certain Ute Indians in Colorado, and to make an appropriation for carrying out the same.**
Vol. 18, p. 36.

Agreement with Ute Indians ratified. *Be it enacted, &c.,* That a certain agreement made by Felix R. Brunot, commissioner on the part of the United States, with certain Ute Indians in Colorado, be, and the same is hereby, ratified and confirmed. Said agreement is in words and figures following, namely:

Title. Articles of convention made and entered into at the Los Pinos agency for the Ute Indians, on the thirteenth day of September, eighteen hundred and seventy-three, by and between Felix R. Brunot, commissioner in behalf of the United States, and the chiefs, head-men, and men of the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Ute Indians, witnesseth:

Preamble. That whereas a treaty was made with the confederated bands of the Ute nation on the second day of March, eighteen hundred and sixty-eight, and proclaimed by the President of the United States on the sixth day of November, eighteen hundred and sixty-eight, the second article of which defines by certain lines the limits of a reservation to be owned and occupied by the Ute Indians; and whereas by act of Congress approved April twenty-three, eighteen hundred and seventy-two, the Secretary of the Interior was authorized and empowered to enter into negotiations with the Ute Indians in Colorado for the extinguishment of their right to a certain portion of said reservation, and a commission was appointed on the first day of July, eighteen hundred and seventy-two, to conduct said negotiation; and whereas said negotiation having failed, owing to the refusal of said Indians to relinquish their right to any portion of said reservation, a new commission was appointed by the Secretary of the Interior, by letter of June second, eighteen hundred and seventy-three, to conduct said negotiation:

Now, therefore, Felix R. Brunot, commissioner in behalf of the United States, and the chiefs and people of the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah, the confederated bands of the Ute nation, do enter into the following agreement:

Relinquishment of lands. **ARTICLE I.** The confederated band of the Ute nation hereby relinquish to the United States all right, title, and claim and interest in and to the following-described portion of the reservation heretofore conveyed to them by the United States, viz: Beginning at a point on the eastern boundary of said reservation fifteen miles due north of the southern boundary of the Territory of Colorado, and running thence west on a line parallel to the said southern boundary to a point on said line twenty miles due east of the western boundary of Colorado Territory; thence north by a line parallel with the western boundary to a point ten miles north of the point where said line intersects the thirty-eighth parallel of north latitude; thence east to the eastern boundary of the Ute reser-

Boundaries.

vation; thence south along said boundary to the place of beginning: *Provided*, That if any part of the Uncopagre Park shall be found to extend south of the north line of said described country, the same is not intended to be included therein, and is hereby reserved and retained as a portion of the Ute reservation.

Proviso.

ART. II. The United States shall permit the Ute Indians to hunt upon said lands so long as the game lasts and the Indians are at peace with the white people.

Hunting permitted.

ART. III. The United States agrees to set apart and hold, as a perpetual trust for the Ute Indians, a sum of money, or its equivalent in bonds, which shall be sufficient to produce the sum of twenty-five thousand dollars per annum; which sum of twenty-five thousand dollars per annum shall be disbursed or invested at the discretion of the President, or as he may direct, for the use and benefit of the Ute Indians annually forever.

Annuity.

ART. IV. The United States agrees, so soon as the President may deem it necessary or expedient, to erect proper buildings and establish an agency for the Weeminuche, Mnuache, and Capote bands of Ute Indians at some suitable point, to be hereafter selected, on the southern part of the Ute reservation.

Agency to be established.

ART. V. All the provisions of the treaty of eighteen hundred and sixty-eight not altered by this agreement shall continue in force; and the following words, from article two of said treaty, viz: "the United States now solemnly agrees that no persons except those herein authorized to do so, and except such officers, agents, and employees of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, except as herein otherwise provided," are hereby expressly reaffirmed, except so far as they applied to the country herein relinquished. (a)

Provisions of treaty of 1868, not altered by this treaty, continued.

(a) See No. 2178, 2192a.

No. 2184.—AN ACT to authorize the sale of the military reservation of Fort Reynolds, in Colorado Territory, and the Government buildings thereon.

June 19, 1874.
Vol. 18, p. 85.

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized and empowered to transfer to the custody and control of the Secretary of the Interior, for disposition, for cash, according to the existing laws of the United States relating to the public lands, after appraisement, to the highest bidder, and at not less than the appraised value, nor at less than one dollar and twenty-five cents per acre, the United States military reservation of Fort Reynolds, in Colorado Territory, containing about twenty-three square miles, as set apart and declared by the President, on June twenty-second, eighteen hundred and sixty-eight, including all the buildings heretofore erected by the United States, and now being thereon: (the said reservation and buildings being no longer needed for military purposes:) *Provided*, That the Secretary of the Interior shall cause the said land to be offered in tracts of not more than eighty acres each, and sold separately at public outcry, to the highest bidder, after giving not less than three months public notice of the time and place of sale, in not less than three public newspapers printed and published in said Territory. (a)

Fort Reynolds military reservation in Colorado to be transferred to Secretary of Interior for sale.
Limit of price.

To be offered in tracts not more than 80 acres.
To be sold to highest bidder.
Notice of sale.

(a) See Nos. 2166, 2177, 2179.

No. 2185.—AN ACT making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862."

June 20, 1874.
Vol. 18, p. 111.

[See NEBRASKA, No. 2122.]

No. 2186.—AN ACT to create an additional land district in the Territory of Colorado.

June 20, 1874.
Vol. 18, p. 122.

Be it enacted, &c., That all that part of the Territory of Colorado commencing at a point on the south boundary line of Colorado Territory between ranges sixty-nine and seventy west of the sixth principal meridian; thence running north to the northern boundary of township twenty-eight south; thence west, on a line between townships twenty-seven and twenty-eight south, to the western boundary of range

Establishment of Del Norte land district in Colorado.
Boundaries.

seventy-three west; thence north, on said boundary of range seventy-three west, to a point where the line between townships forty-eight and forty-nine north, New Mexico meridian, will intersect the same; thence west, between said townships forty-eight and forty-nine north, to the western boundary of the Territory; thence south, with said boundary line, to the southwest corner of the Territory; thence east, on the line of the southern boundary of the Territory, to the place of beginning, shall constitute a separate land district, to be called Del Norte land district, the office of which shall be located at Del Norte, in Conejos County: *Provided*, That the President of the United States may change the location of said land office from time to time, as the public interest may require.

Register and receiver. SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate, a register and a receiver of public moneys for said district; and said officers shall reside in the place where said land office is located, and shall have the same powers and shall receive the same fees and emoluments as the like officers now receive in the other land districts in said Territory. (a)

A applications, &c., for lands in Del Norte district filed in other land offices to be transferred to office at Del Norte. SEC. 3. That all persons in said district who, prior to the opening of said Del Norte land office, shall have filed their declaratory statement or application for pre-emption or homestead rights in any other land office in said Territory, shall thereafter make proofs and entries at said Del Norte land office; and all unfinished business in any other land office relating exclusively to lands in said Del Norte land district shall be transferred to said Del Norte land office when notified by the officers of the opening thereof.

(a) See Nos. 2167, 2174.

June 27, 1874. Vol. 18, p. 274. No. 2187.—AN ACT granting the right of way through the public lands to the Arkansas Valley Railway Company.

Right of way through public lands to Arkansas Valley Railway Company. *Be it enacted, &c.*, That the right of way through the public lands be, and the same is hereby, granted to the Arkansas Valley Railway Company, a corporation duly created under the laws of the Territory of Colorado, its successors and assigns, for a railroad and telegraph line, now partially completed and in operation, from a point on the line of the Kansas Pacific Railway at Kit Carson; thence southward to West Las Animas; thence westward along or near the Arkansas River to Pueblo, a distance of about one hundred and fifty miles, and within said Territory of Colorado. Said right of way is granted to said railway company to the extent of one hundred feet in width on each side of said railroad where it may pass through the public domain and military reservation at Fort Lyon, including grounds for station-buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, cattle-yards and water-stations, to the amount not exceeding ten acres, not mineral lands, for each station, and for not more than one station in every ten miles; together with the right to take, from the public lands while belonging to the United States, adjacent to said right of way, stone, earth, and other material necessary for the construction, maintenance, and repair of its railway and telegraph: *Provided*, That within six months from the passage of this act the said Arkansas Valley Railway Company shall file with the Secretary of the Interior a map, to be approved by him, exhibiting the line of the railroad of said company as the same has been located: *And provided further*, That the right of way across the military reservation at Fort Lyon, and the depot grounds thereon, shall be located and set aside under the direction of the Secretary of War: *Provided*, That this grant of the right of way shall not prevent any railroad company from crossing said Arkansas Valley Railway Company at grade. (a)

(a) See Nos. 2092, 2122, 2168, 2173, 2181, 2185, 2189, 2191.

March 3, 1875. Vol. 18, p. 474. No. 2188.—AN ACT to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

Territory of Colorado made a State. *Be it enacted, &c.*, That the inhabitants of the Territory of Colorado included in the boundaries hereinafter designated be, and they are hereby, authorized to form for themselves, out of said Territory, a State government, with the name of the State of Colorado; which State, when formed, shall be admitted into the Union upon an equal footing

with the original States in all respects whatsoever, as hereinafter provided.

SEC. 2. That the said State of Colorado shall consist of all the territory included within the following boundaries, to wit: Commencing on the thirty-seventh parallel of north latitude where the twenty-fifth meridian of longitude west from Washington crosses the same; thence north, on said meridian, to the forty-first parallel of north latitude; thence along said parallel west to the thirty-second meridian of longitude west from Washington; thence south on said meridian, to the thirty-seventh parallel of north latitude; thence along said thirty-seventh parallel of north latitude, to the place of beginning. (a)

Boundaries.

SEC. 7. That sections numbered sixteen and thirty-six in every township, and where such sections have been sold or otherwise disposed of by any act of Congress, other lands, equivalent thereto, in legal subdivisions of not more than one quarter-section, and as contiguous as may be, are hereby granted to said State for the support of common schools. (b)

School lands.

SEC. 8. That, provided the State of Colorado shall be admitted into the Union in accordance with the foregoing provisions of this act, fifty entire sections of the unappropriated public lands within said State, to be selected and located by direction of the legislature thereof, and with the approval of the President, on or before the first day of January, eighteen hundred and seventy-eight, shall be, and are hereby, granted, in legal subdivisions of not less than one quarter-section, to said State for the purpose of erecting public buildings at the capital of said State for legislative and judicial purposes, in such manner as the legislature shall prescribe. (c)

Land for public buildings.

SEC. 9. That fifty other entire sections of land as aforesaid, to be selected and located and with the approval as aforesaid, in legal subdivisions as aforesaid, shall be, and they are hereby, granted to said State for the purpose of erecting a suitable building for a penitentiary or State prison in the manner aforesaid. (c)

Penitentiary.

SEC. 10. That seventy-two other sections of land shall be set apart and reserved for the use and support of a State university, to be selected and approved in manner as aforesaid, and to be appropriated and applied as the legislature of said State may prescribe for the purpose named and for no other purpose.

State university.

SEC. 11. That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining, and as contiguous as may be to each, shall be granted to said State for its use, the said land to be selected by the governor of said State within two years after the admission of the State, and when so selected to be used and disposed of on such terms, conditions, and regulations as the legislature shall direct: *Provided*, That no salt spring or lands the right whereof is now vested in any individual or individuals, or which hereafter shall be confirmed or adjudged to any individual or individuals, shall by this act be granted to said State.

Salt springs.

SEC. 12. That five per centum of the proceeds of the sales of agricultural public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the purpose of making such internal improvements within said State as the legislature thereof may direct: *Provided*, That this section shall not apply to any lands disposed of under the homestead laws of the United States, or to any lands now or hereafter reserved for public or other uses. (c)

Five per cent. of sales of public lands for internal improvements.

Proviso.

SEC. 14. That the two sections of land in each township herein granted for the support of common schools shall be disposed of only at public sale and at a price not less than two dollars and fifty cents per acre, the proceeds to constitute a permanent school fund, the interest of which to be expended in the support of common schools. (b)

School fund.

SEC. 15. That all mineral lands shall be excepted from the operation and grants of this act.

Mineral lands.

(a) See Nos. 2164, 2170, 2190.
(b) See Nos. 2164, 2170, 2192.
(c) See No. 2170.

March 3, 1875.
Vol. 18, p. 516.

Denver and Rio
Grande Railway
Company.
Clerical error
in act of 1872,
corrected.

Words to be in-
serted.

No. 2189.—AN ACT to correct a clerical error in the act granting the right of way through the public lands to the Denver and Rio Grande Railway Company, approved June eighth, eighteen hundred and seventy-two.

Whereas in the third session of the Forty-second Congress, the committee of conference on the disagreeing votes of the two houses on the amendments to the bill (S. 984) granting the right of way through the public lands to the Denver and Rio Grande Railway Company, submitted as part of their report the recommendation that the second proviso in the amendment of the House of Representatives adding provisos to the end of the bill be stricken out and the following words be inserted: "*And provided further, That the said Denver and Rio Grande Railway Company is hereby recognized as a lawful corporation from the date of its incorporation under the laws of Colorado, and all the powers, privileges, and franchises by said laws conferred upon said company are hereby expressly ratified, confirmed, and legalized as existing from said date of incorporation; but beyond such recognition, ratification, and confirmation of and to said company, this act shall not be construed as affirming or denying the rights of Territories to pass laws for the incorporation of railway companies;*" which report of said committee of conference was concurred in by both houses; and

Whereas in transcribing the bill, the said second proviso in the amendment of the House of Representatives was not stricken out, and the above-quoted words were not inserted and do not appear in the law upon the statute-books: Therefore,

Be it enacted, &c., That the said words above quoted shall be considered and taken as they were intended to be, and they are hereby made a part of said act approved June eighth, eighteen hundred and seventy-two. (a)

(a) See Nos. 2092, 2122, 2168, 2173, 2181, 2185, 2187, 2191.

Aug. 1, 1876.
Vol. 19, p. 665.

Preamble.

No. 2190.—A PROCLAMATION by the President of the United States of America.

Whereas the Congress of the United States did, by an act approved on the third day of March, one thousand eight hundred and seventy-five, authorize the inhabitants of the Territory of Colorado to form for themselves out of said Territory a State government with the name of the State of Colorado, and for the admission of such State into the Union, on an equal footing with the original States, upon certain conditions in said act specified;

And whereas it was provided by said act of Congress that the convention elected by the people of said Territory to frame a State constitution should, when assembled for that purpose and after organization, declare on behalf of the people that they adopt the Constitution of the United States, and should also provide by an ordinance, irrevocable without the consent of the United States and the people of said State, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship, and that the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States;

And whereas it was further provided by said act that the constitution thus formed for the people of the Territory of Colorado should, by an ordinance of the convention forming the same, be submitted to the people of said Territory for ratification or rejection at an election to be held in the month of July, eighteen hundred and seventy-six, at which election the lawful voters of said new State should vote directly for or against the proposed constitution, and the returns of said election should be made to the acting governor of the Territory, who with the chief justice and United States attorney of said Territory or any two of them should canvass the same, and if a majority of legal votes should be cast for said constitution in said proposed State, the said acting governor should certify the same to the President of the United

States, together with a copy of said constitution and ordinances; whereupon it should be the duty of the President of the United States to issue his proclamation declaring the State admitted into the Union on an equal footing with the original States, without any further action whatever on the part of Congress;

And whereas it has been certified to me by the acting governor of said Territory of Colorado, that within the time prescribed by said act of Congress a constitution for said proposed State has been adopted, and the same ratified by a majority of the legal voters of said proposed new State in accordance with the conditions prescribed by said act of Congress;

And whereas a duly authenticated copy of said constitution and of the declaration and ordinance required by said act has been received by me:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, do, in accordance with the provisions of the act of Congress aforesaid, declare and proclaim the fact that the fundamental conditions imposed by Congress on the State of Colorado to entitle that State to admission to the Union have been ratified and accepted, and that the admission of the said State into the Union is now complete. (a)

In testimony whereof I have hereunto set my hand, and have caused the seal of the United States to be affixed.

Done at the city of Washington this first day of August, in the year of our Lord one thousand eight hundred and seventy-six, and of the Independence of the United States of America the one hundred and first.

[SEAL.]

U. S. GRANT.

By the President:

HAMILTON FISH,

Secretary of State.

(a) See Nos. 2164, 2170, 2188.

No. 2191.—AN ACT to amend an act entitled "An act granting the right of way through the public lands to the Denver and Rio Grande Railway Company," approved June eighth, eighteen hundred and seventy-two.

March 8, 1877.
Vol. 19, p. 405.

Be it enacted, &c., That an act entitled "An act granting the right of way through the public lands to the Denver and Rio Grande Railway Company," approved June eighth, eighteen hundred and seventy-two, be, and the same is hereby, amended by making the second proviso in said act read as follows, to wit:

Amendment.

"*Provided, That said company shall complete its railway as far south as Santa Fe within ten years of the passage of this act, and shall complete fifty miles additional south of said point in each year thereafter; and in default thereof the rights and privileges herein granted shall be rendered null and void so far as respects the unfinished portion of said road.*" (a)

Time for completing Denver and Rio Grande Railway extended.

(a) See Nos. 2092, 2122, 2168, 2173, 2181, 2185, 2187, 2189.

No. 2192.—AN ACT donating to the board of education of school district number one, Arapahoe County, Colorado, block numbered one hundred and forty-three, in the east division of the city of Denver, Colorado, for common-school purposes.

Feb. 24, 1879.
Vol. 20, p. 317.

Be it enacted, &c., That block numbered one hundred and forty-three, in the east division of the city of Denver, (a) in the county of Arapahoe and State of Colorado, be, and the same is hereby, donated and set apart to the board of education of school district number one, Arapahoe County, in the State of Colorado, upon the following conditions, namely: (b) The said board of education shall cause to be erected and maintained thereon a public school building or buildings, to be used solely for educational purposes, and attendance at which, with full and equal rights and privileges, shall be free to all the residents of the city of Denver, in said county, with restrictions only as to the number and age of attendants and the grade of scholarship, under such rules and regulations as may be legally adopted for the control and management of said school or schools; and the above conditions shall be binding forever, under the penalty of the reversion of said block to the United States.

Donation of land for school in Denver.

Cost of building.

SEC. 2. That the said board of education shall cause to be erected upon said real estate a superstructure for the purpose aforesaid, which shall cost not less than twenty-five thousand dollars; and the donation of said block provided for in the preceding section shall take effect and be binding only from the time the said board shall in good faith commence the erection of said superstructure.

(a) See Nos. 2176, 2180.

(b) See Nos. 2184, 2170, 2188.

June 15, 1880.
Vol. 21, p. 199.

No. 2192a.—AN ACT to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same.

Preamble.

Whereas certain of the chiefs and head-men of the confederated bands of the Ute tribe of Indians, now present in the city of Washington, have agreed upon and submitted to the Secretary of the Interior an agreement for the sale to the United States of their present reservation in the State of Colorado, their settlement upon lands in severalty, and for other purposes; and

Whereas the President of the United States has submitted said agreement, with his approval of the same, to the Congress of the United States for acceptance and ratification, and for the necessary legislation to carry the same into effect: Therefore

Ute Indians in Colorado.

Proviso.

Agreement for sale of lands.

Amended and ratified.

Proviso.

Schools.

Payment annually for twenty years to certain persons.

Agreement further amended.

Proviso.

Proviso.

Agreement.

Be it enacted, &c., That said agreement be, and the same is hereby, accepted, ratified, and confirmed: *Provided*, That the said agreement shall be amended by adding to the first clause thereof, after the words "guilty parties", the words following, to wit: "Until such surrender or apprehension, or until the President shall be satisfied that the guilty parties are no longer living or have fled beyond the limits of the United States, the proportion of the money, hereinafter provided, coming to that portion of the Ute Indians known as the White River Utes, except for removal and settlement, shall not be paid"; and by adding to the third express condition of said agreement after the word "forever", the words following, to wit: "*Provided*, That the President of the United States may, in his discretion, appropriate an amount thereof, not exceeding ten thousand dollars, for the education in schools established within or beyond the limits of the lands selected, of such youths of both sexes as in his judgment may be best qualified to make proficiency in practical industries and pursuits necessary for their self-support, and out of the portion of said moneys coming to the White River Utes, the United States shall pay annually to the following-named persons, during the period of twenty years, if they shall live so long, the following sums respectively; To Mrs. Arivella D. Meeker, five hundred dollars; to Miss Josephine Meeker five hundred dollars; to Mrs. Sophronia Price, five hundred dollars; to Mrs. Maggie Gordon, five hundred dollars; to George Dresser, two hundred dollars; to Mrs. Sarah M. Post, five hundred dollars; to Mrs. Eaton, mother of George Eaton, two hundred dollars; to the parents of Arthur L. Thompson two hundred dollars; to the father of Fred Shepard, two hundred dollars; to the parents of Wilmer Eskridge, two hundred dollars"; and by adding to the fifth express condition of said agreement after word "reaffirmed", the words following to wit: "This sum, together with the annuity of fifty thousand dollars hereinbefore provided, may, in the discretion of Congress, at the end of twenty-five years, be capitalized, and the principal sum be paid to said Indians per capita in lieu of said annuities": *And provided also*, That three-fourths of the adult male members of said confederated bands shall agree to and sign said agreement, upon presentation of the same to them, in open council, in the manner hereinafter provided: *Provided further*, That nothing in this act contained, or in the agreement herein set forth, or in the amendments herein proposed to said agreement, shall be so construed as to compel any Ute Indian to remove from any lands that he or she claims in severalty. Said agreement is in words and figures as follows, namely:

The chiefs and head-men of the confederate bands of the Utes now present in Washington, hereby promise and agree to procure the surrender, to the United States, for trial and punishment, if found guilty, of those members of their nation, not yet in the custody of the United States, who were implicated in the murder of United States Indian Agent N. C. Meeker and the murder of and outrages upon the employees

at the White River agency on the twenty-ninth day of September, eighteen hundred and seventy-nine, and in case they do not themselves succeed in apprehending the said parties, presumably guilty of the above-mentioned crime, that they will not in any manner obstruct, but faithfully aid, any officers of the United States, directed by the proper authorities, to apprehend such presumably guilty parties.

The said chiefs and head-men of the confederated bands of Utes also agree and promise to use their best endeavors with their people to procure their consent to cede to the United States all the territory of the present Ute reservation in Colorado, except as hereinafter provided for their settlement.

The Southern Utes agree to remove to and settle upon the unoccupied agricultural lands on the La Plata River, in Colorado; and if there should not be a sufficiency of such lands on the La Plata River and in its vicinity in Colorado, then upon such other unoccupied agricultural lands as may be found on the La Plata River or in its vicinity in New Mexico.

The Uncompahgre Utes agree to remove to and settle upon agricultural lands on Grand River, near the mouth of the Gunnison River, in Colorado, if a sufficient quantity of agricultural land shall be found there, if not then upon such other unoccupied agricultural lands as may be found in that vicinity and in the Territory of Utah.

The White River Utes agree to remove to and settle upon agricultural lands on the Uintah reservation in Utah.

Allotments in severalty of said lands shall be made as follows :

Allotment.

To each head of a family one-quarter of a section, with an additional quantity of grazing land not exceeding one-quarter of a section.

To each single person over eighteen years of age one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section.

To each orphan child under eighteen years of age one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; and to each other person, under eighteen years, now living, or who may be born prior to said allotments, one-eighth of a section, with a like quantity of grazing land.

All allotments to be made with the advice of the commission hereinafter provided, upon the selection of the Indians, heads of families selecting for their minor children, and the agents making the allotment for each orphan child.

The said chiefs and head-men of the confederated bands of Utes further promise that they will not obstruct or in anywise interfere with travel upon any of the highways now open or hereafter to be opened by lawful authority in or upon any of the lands to be set apart for their use by virtue of this agreement.

The said chiefs and head-men of the confederated bands of Utes promise to obtain the consent of their people to the cession of the territory of their reservation as above on the following express conditions :

Conditions of agreement.

First. That the Government of the United States cause the lands so set apart to be properly surveyed and to be divided among the said Indians in severalty in the proportion hereinbefore mentioned, and to issue patents in fee-simple to them respectively therefor, so soon as the necessary laws are passed by Congress. The title to be acquired by the Indians shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance of the grantee or by the judgment, order, or decree of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty-five years, and until such time thereafter as the President of the United States may see fit to remove the restriction, which shall be incorporated in the patents when issued, and any contract made prior to the removal of such restriction shall be void.

First.

Sixth. That the commissioners above mentioned shall ascertain what improvements have been made by any member or members of the Ute nation upon any part of the reservation in Colorado to be ceded to the United States as above, and that payment in cash shall be made to the individuals having made and owning such improvements, upon a fair and liberal valuation of the same by the said commission, taking into consideration the labor bestowed upon the land.

Sixth.

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| Commissioners appointed; compensation; expenses. | SEC. 2. That the President of the United States be, and he is hereby, authorized and empowered to appoint, by and with the advice and consent of the Senate, five commissioners, who shall receive compensation for their services at the rate of ten dollars per diem while actually engaged, in addition to their actual traveling and other necessary expenses; and said commissioners shall, under such instructions as the Secretary of the Interior may give them, present said agreement to the confederated bands of the Ute Indians in open council for ratification, as provided in the first section of this act; and said commissioners shall have a clerk, at a salary of two hundred dollars per month, in addition to the actual traveling and other necessary expenses, and who shall give bond in an amount to be fixed by the Secretary of the Interior, and shall act also as disbursing officer for said commissioners. And upon the ratification of said agreement by said tribe as herein provided, said commissioners shall, under the direction of the Secretary of the Interior, appraise the improvements belonging to said Ute Indians upon the lands surrendered by them as provided in said agreement, and report the same to the Secretary of the Interior for settlement. It shall be their duty to take a careful census of said Indians, separating them under said census as follows: |
| Clerk's salary, bond, duties. | First. Those known in the agreement above referred to as Southern Utes. |
| To report. | Second. Those known as Uncompahgre Utes. |
| Census of Indians. | Third. Those known as White River Utes. |
| Particulars of census. | Said census shall also show separately the name of each head of a family, and the number of persons in such family, distinguishing those over eighteen years of age from those under eighteen years of age, and giving the names of each separately; also, said census shall show separately the orphan children in each of said classes of Utes described in the foregoing agreement, and they shall make an accurate register of the names, ages, occupations, and general condition of each of the above classes as aforesaid, specifying particularly the number and names of said Indians incapable by reason of orphanage, minority, or other disability of managing their own affairs, and they shall also select lands and allot them in severalty to said Indians, as herein provided, and superintend the removal, location, and settlement of the Indians thereon, and do and perform such other services as the Secretary of the Interior may consider necessary for them to do in the execution of the provisions of this act. |
| Lands allotted in severalty. | And after the said commissioners shall have performed the duties specifically assigned to them by this act, and such other duties as the Secretary of the Interior may require of them, they shall make a full report of their proceedings to the Secretary of the Interior, which shall set forth, among other things, the name of each person to whom they may have apportioned and allotted lands as herein provided for, with the name and condition of such person, showing who, upon proofs, are considered incompetent to take charge of their property, either as orphans, minors, or for other causes; and shall also exhibit the quantity of land assigned to each person, with the metes and bounds of such allotments. And said commissioners shall make an accurate map of the whole survey and proceeding, showing the partition and division aforesaid, a copy of which map shall be filed with said report; and the Secretary of the Interior shall cause a copy to be filed in the General Land Office, and copies shall also be filed in the office of the surveyors-general of Utah, Colorado and New Mexico, and also in the office of the register and receiver of the land district in which such lands or any portion of them may be situate. Said commissioners shall further report the total number of acres allotted and set apart as provided by the foregoing agreement, the amount of such land tillable without irrigation, the amount of irrigation required, and the probable cost thereof. |
| Commissioners to make full report. | They shall also locate the agencies for the Southern Utes and the Uncompahgre Utes, shall furnish an estimate of the number of houses required, the cost of each, the number of school-houses required and the number of teachers, and the number of children of school age, and such other data as the Secretary of the Interior may require to enable him to make judicious expenditure of the money appropriated in section nine of this act; and said commissioners shall exercise direct supervision and control of all expenditures under this act during the time they remain in the Ute country, under the general direction of the Sec- |
| Map and survey. | |
| Further report of acres allotted. | |
| Agencies located. | |
| Estimate of school houses and school children. | |
| To supervise and control expenditures and | |

retary of the Interior; and they shall render a full and detailed account render accounts of such expenditure, with the vouchers therefor, as now provided by and vouchers. law.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed, under the direction of said commissioners, a sufficient quantity of land in the vicinities named in said agreement, to secure the settlement in severalty of said Indians as therein provided. And upon the completion of said survey and enumeration herein required, the said commissioners shall cause allotments of lands to be made to each and all of the said Indians, in quantity and character as set forth in the agreement above mentioned, and whenever the report and proceedings of said commissioners, as required by this act, are approved by the President of the United States, he shall cause patents to issue to each and every allottee for the lands so allotted, with the same conditions, restrictions and limitation mentioned therein as are provided in said agreement; and all the lands not so allotted, the title to which is, by the said agreement of the confederated bands of the Ute Indians, and this acceptance by the United States, released and conveyed to the United States, shall be held and deemed to be public lands of the United States and subject to disposal under the laws providing for the disposal of the public lands, at the same price and on the same terms as other lands of like character, except as provided in this act: *Provided*, That none of said lands, whether mineral or otherwise, shall be liable to entry and settlement under the provisions of the homestead law; but shall be subject to cash entry only in accordance with existing law; and when sold the proceeds of said sale shall be first sacredly applied to reimbursing the United States for all sums paid out or set apart under this act by the Government for the benefit of said Indians, and then to be applied in payment for the lands at one dollar and twenty-five cents per acre which may be ceded to them by the United States outside of their reservation, in pursuance of this agreement. And the remainder, if any, shall be deposited in the Treasury as now provided by law for the benefit of the said Indians, in the proportion hereinbefore stated, and the interest thereon shall be distributed annually to them in the same manner as the funds provided for in this act: *Provided further*, That the subdivisions upon which are located improvements to be appraised, as provided for in section two of this act, shall be offered to the highest bidder at public sale, after published notice of at least thirty days by the Secretary of the Interior, and the same shall be absolutely reserved from occupation or claim until so sold.

SEC. 4. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every of the said Indians shall be subject to the provisions of section nineteen hundred and seventy-seven of the Revised Statutes and to the laws, both civil and criminal, of the State or Territory in which they may reside, with the right to sue and be sued in the courts thereof: *Provided*, That their lands and personal property shall not be subject to taxation or execution upon the judgment, order, or decree of any court obtained on any cause of action which may arise during the period named in the above-recited agreement.

SEC. 5. That the Secretary of the Treasury shall, out of any moneys in the Treasury not otherwise appropriated, set apart, and hold as a perpetual trust-fund for said Ute Indians, an amount of money sufficient at four per centum to produce annually fifty thousand dollars, which interest shall be paid to them per capita in cash, annually, as provided in said agreement.

SEC. 6. That all salaries paid to any member or members of the Ute tribe under existing treaty stipulations shall be continued for the term of ten years beyond the time fixed in said treaties. And the sum of four thousand dollars per annum for the term of ten years shall be distributed by the President at his discretion to such of said Indians as distinguish themselves by good sense, energy, and perseverance in the pursuits of civilized life, and in the promotion of a good understanding between the Indians and the Government and people of the United States, and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, four thousand dollars as the first installment for such purpose.

SEC. 7. That the provisions of title twenty-eight of the Revised Statutes shall extend over and be applicable to every allotment of land provided for in the foregoing agreement, and to the administration of the

Settlement in severalty.

Allotment of land in severalty.

Patents issued to allottees.

Lands not allotted, released, and conveyed to United States.

To be held and disposed of as other public lands. *Proviso.*

Proceeds of sales, distribution of.

Remainder deposited in Treasury in trust for Indians.

Proviso.

R. S. 1877. Indians subjected to provisions of.

Proviso.

Perpetual trust-fund, interest \$50,000, paid per capita annually.

Salaries to Utes continued ten years longer than stipulated in treaties.

\$4,000 per annum to be distributed by the President.

R. S., title 28, extended to lands allotted to Indians.

affairs of said Indians, so far as said provisions can be made applicable thereto.

Hot springs in Uncompahgre Park and four square miles reserved from sale, &c.

SEC. 8. That the hot springs located in what is known as "The Uncompahgre Park", in the Uncompahgre Valley, and four square miles of land surrounding said springs and within said valley, are hereby reserved, and withdrawn from settlement, occupancy, or sale, under the laws of the United States, and dedicated and set apart for the benefit and enjoyment of the people; and, so far as practicable, the provisions of sections twenty-four hundred and seventy-four and twenty-four hundred and seventy-five, of the Revised Statutes, are hereby made applicable to said tract.

R. S. 2474 and 2475 made applicable thereto.

Time limited for ratification of amended agreement.

SEC. 10. If the agreement as amended in this act is not ratified by three-fourths of the adult male Indians of the Ute tribes within four months from the approval of this act the same shall cease to be of effect after that day. (a)

(a) See Nos. 2178, 2183.

UTAH TERRITORY.

No. 2193.—AN ACT to establish a Territorial Government for Utah.

Sept. 9, 1850.
Vol. 9, p. 453.

Be it enacted, &c., That all that part of the territory of the United States included within the following limits, to wit: bounded on the west by the State of California, on the north by the Territory of Oregon, and on the east by the summit of the Rocky Mountains, and on the south by the thirty-seventh parallel of north latitude, be, and the same is hereby, created into a temporary government, by the name of the Territory of Utah; and, when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission: *Provided,* That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States. (a)

The boundary
of the Territory
of Utah defined.

Proviso.

SEC. 15. *And be it further enacted,* That when the lands in the said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same. (b)

Reservation
for schools.

SEC. 17. *And be it further enacted,* That the Constitution and laws of the United States are hereby extended over and declared to be in force in said Territory of Utah, so far as the same, or any provision thereof, may be applicable.

The Constitu-
tion and laws of
the United States
extended over
the Territory.

(a) See Nos. 2091, 2196.

(b) See Nos. 2195, 2203, 2904.

No. 2194.—AN ACT making appropriations, &c.,

March 3, 1853.
Vol. 10, p. 238.

[Certain military reservations in Utah Territory authorized. See CALIFORNIA, No. 2323.]

No. 2195.—AN ACT to establish the office of surveyor-general of Utah, and to grant land for school and university purposes.

Feb. 21, 1855.
Vol. 10, p. 611.

Be it enacted, &c., That the President, by and with the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a surveyor-general for Utah, whose annual salary shall be three thousand dollars, and whose power, authority, and duties, shall be the same as those provided by law for the surveyor-general of Oregon, prior to the act of July seventeen, eighteen hundred and fifty-four: and he shall locate his office from time to time at such places as may be directed by the President of the United States. (a)

Appointment of
a surveyor-gen-
eral for Utah.
Salary, power,
and duties.

SEC. 2. *And be it further enacted,* That when the lands in said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be created out of the same. (b)

Reservations
for schools.

SEC. 3. *And be it further enacted,* That when the lands in said Territory shall be surveyed as aforesaid, a quantity of land equal to two townships shall be, and the same is hereby, reserved for the establishment of a university in said Territory, and in the State hereafter to be created

Reservation for
a university.

out of the same, to be selected under the direction of the legislature, in legal subdivisions of not less than one half-section, and to be disposed of as said legislature may direct.

Rules and regulations authorized.

SEC. 4. *And be it further enacted*, That full power and authority are hereby given to the Secretary of the Interior to issue all needful rules and regulations for fully carrying into effect the several provisions of this act.

(a) See Nos. 2197, 2198, 2202.

(b) See Nos. 2193, 2203, 2204.

March 2, 1861.
Vol. 12, p. 239.

No. 2196.—AN ACT to provide a temporary government for the Territory of Dakota, and to create the office of surveyor-general therein.

[Portion of Utah Territory added to Territory of Nebraska. See NEBRASKA, No. 2091.]

March 14, 1862.
Vol. 12, p. 353.

No. 2197.—AN ACT making appropriations, &c.,

[Utah and Colorado to make one surveying district. See CALIFORNIA, No. 2346.]

May 30, 1862.
Vol. 12, p. 409.

No. 2198.—AN ACT to reduce the expenses of the survey and sale of the public lands in the United States.

[Utah and Nevada to make one surveying district. See CALIFORNIA, No. 2348.]

July 1, 1862.
Vol. 12, p. 429.

No. 2199.—AN ACT to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes.

[See NEBRASKA, No. 2092.]

May 5, 1864.
Vol. 13, p. 63.

No. 2200.—AN ACT to vacate and sell the present Indian reservations in Utah Territory, and to settle the Indians of said Territory in the Uinta Valley.

Indian reservations in Utah Territory to be surveyed and sold.

Uinta Valley excepted.

Mode of sale.

Proceeds of sales, how to be applied.

Minimum price.

The Indians in the Territory to be settled in Uinta Valley.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and required to cause the several Indian reservations heretofore made, or occupied as such, in the Territory of Utah, (a) excepting Uinta Valley, to be surveyed into tracts or lots, not exceeding eighty acres each, under the direction of the Commissioner of the General Land Office, and upon the completion of such surveys shall cause said tracts or lots to be sold, (b) upon sealed bids, to be duly invited by public advertisement, for a period not less than three months, in a newspaper of general circulation published in the Territory of Utah, and also a newspaper published in Washington, to the highest and best bidder; said bids may be filed with the governor of said Territory at the seat of government thereof, and with the Secretary of the Interior in Washington; such bids as may be received by said governor shall, without opening the same, be forwarded to the Secretary of the Interior, when the same, with the bids filed with him, shall be opened in the presence of the Secretary of the Interior, the Commissioner of Public Lands, and the Commissioner of Indian Affairs, and any bidders who may choose to be present at the opening thereof; and the Secretary of the Interior shall apply the proceeds of such sales to the construction of improvements upon the reservations which may be established under the provisions of this act, or by other lawful authority, or to the purchase of stock, agricultural implements, or such other useful articles as to him may seem best adapted to the wants and requirements of the Indians: *Provided*, That no tract of land shall be sold under the provisions of this section for less than its appraised value in cash, to be duly ascertained by commissioners appointed by the Secretary of the Interior for that purpose.

SEC. 2. *And be it further enacted*, That the superintendent of Indian affairs for the Territory of Utah be, and he is hereby, authorized and required to collect and settle all or so many of the Indians of said Territory as may be found practicable in the Uinta Valley, in said Territory, which is hereby set apart for the permanent settlement and exclusive

occupation of such of the different tribes of Indians of said Territory as may be induced to inhabit the same.

SEC. 3. *And be it further enacted*, That, for the purpose of making agricultural improvements in the Uinta Valley for the comfort of the Indians who may inhabit the same, and to enable them to become self-sustaining by means of agriculture, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of thirty thousand dollars, which sum shall be expended by the superintendent of Indian affairs for said Territory, under the instruction of the Secretary of the Interior.

(a) See Nos. 2201, 2213.
(b) See Nos. 2202, 2213.

Appropriation for agricultural improvements therein.

No. 2201.—AN ACT to extinguish the Indian title to lands in the Territory of Utah suitable for agricultural and mineral purposes.

Feb. 23, 1865.
Vol. 13, p. 432.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to enter into treaties with the various tribes of Indians of Utah Territory, upon such terms as may be deemed just to said Indians and beneficial to the Government of the United States: *Provided*, That such treaties shall provide for the absolute surrender to the United States, by said Indians, of their possessory right to all the agricultural and mineral lands in said Territory except such agricultural lands as by said treaties may be set apart for reservations for said Indians: *And provided, further*, That all such reservations shall be selected at points as remote as may be practicable from the present settlements in Utah Territory. (a)

Indian titles in Utah Territory to be extinguished by treaty.

Proviso.

SEC. 2. *And be it further enacted*, That in agreeing with said Indians upon the amounts to be paid to them under the provisions of the treaties to be negotiated in pursuance of this act, care shall be taken to obtain from the Indians, to the greatest possible extent, their consent to receive for such payments agricultural implements, stock, and other useful articles, rather than money.

Reservations.

Agricultural implements, stock, &c., to be given in payment as far as possible.

SEC. 3. *And be it further enacted*, That for the purpose of negotiating said treaties and carrying out the provisions of this act, making presents to said Indians, and defraying the necessary expenses incident to such negotiation, there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of twenty-five thousand dollars.

Appropriation.

(a) See Nos. 2200, 2213.

No. 2202.—AN ACT to create the office of surveyor-general in the Territory of Utah, and establish a land office in said Territory, and extend the homestead and pre-emption laws over the same.

July 16, 1868.
Vol. 15, p. 91.

Be it enacted, &c., That the President, by and with the advice [and consent] of the Senate, shall be, and he is hereby, authorized to appoint a surveyor-general for the Territory of Utah, whose annual salary shall be three thousand dollars, and whose power, authority, and duties shall be the same as those provided by law for the surveyor-general of Oregon. He shall have proper allowances for clerk hire, office rent, and fuel, not exceeding what is now allowed by law to the surveyor-general of Oregon. (a)

Surveyor-general for Utah Territory authorized.

Salary, power, and allowances.

SEC. 2. *And be it further enacted*, That the public lands of the United States within said Territory of Utah, shall constitute a new land district, to be called the Utah district; and the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a register and receiver of public money for said district, who shall be required to reside at the places at which said offices shall be located, and they shall have the same powers, perform the same duties, and be entitled to the same compensation as are or may be prescribed by law in relation to land offices of the United States in other Territories. (b)

Utah land district constituted.

Register and receiver, and their powers.

SEC. 3. *And be it further enacted*, That the Secretary of the Interior is hereby authorized to locate said offices of surveyor-general and register and receiver of public moneys at some suitable place or places in said Territory.

Land offices, how to be located.

Pre-emption and homestead laws to apply. SEC. 4. *And be it further enacted*, That the pre-emption, homestead, and other laws of the United States applicable to the disposal of the public lands, are hereby extended over said district. (c)

(a) See Nos. 2195, 2197, 2198.

(b) See No. 2212.

(c) See No. 2200, 2213.

May 6, 1870.
Vol. 10, p. 121.

No. 2203.—AN ACT to fix the point of junction of the Union Pacific Railroad Company and the Central Pacific Railroad Company.

Point of junction of the Union Pacific Railroad Company and the Central Pacific Railroad Company established northwest of the station at Ogden, &c. *Be it enacted, &c.*, That the common terminus and point of junction of the Union Pacific Railroad Company and the Central Pacific Railroad Company shall be definitely fixed and established on the line of railroad as now located and constructed, northwest of the station at Ogden, and within the limits of the sections of land hereinafter mentioned, viz: section thirty-six of township seven, of range two, situate north and west of the principal meridian and base line in the Territory of Utah, and sections twenty-five, twenty-six, and thirty-five of township seven, of range two, and section six of township six, and sections thirty and thirty-one of township seven, of range one, and sections one and two of township six, of range two, all situate north and west of said principal meridian and base line; and said companies are hereby authorized to enter upon, use, and possess said sections, which are hereby granted to them in equal shares, with the same rights, privileges, and obligations now by law provided with reference to other lands granted to said railroads. (a) *Provided, however*, That the Secretary of the Interior shall designate a section of land in said township seven, of range two, belonging to said companies, and reserve the same for the benefit of schools in said Territory, in accordance with the act of February twenty-one, eighteen hundred and fifty-five, establishing the office of surveyor-general of Utah, and to grant land for school and university purposes: (b)

Grant of certain sections.

Reserve for schools.

Price of land.

Private rights.

Provided also, That said companies shall pay for any additional lands acquired by this act at the rate of two dollars and fifty cents an acre: *And provided further*, That no rights of private persons shall be affected by this act.

(a) See Nos. 2092, 2116, 2199, 2205, 2206, 2207, 2208, 2209, 2214.

(b) See Nos. 2193, 2195, 2204.

July 1, 1870.
Vol. 10, p. 183.

No. 2204.—AN ACT for the relief of the inhabitants of Salt Lake City, in the Territory of Utah.

Authorities of Salt Lake City may enter public lands and to what amount. *Be it enacted, &c.*, That the words "not exceeding five thousand and no more," contained in an act entitled "An act for the relief of the inhabitants of cities and towns upon the public lands," approved March two, eighteen hundred and sixty-seven, shall not apply to Salt Lake City, (a) in the Territory of Utah; but said act shall be so amended and construed in its application to said city that lands may be entered as provided in said act for the full number of inhabitants contained in said city not exceeding fifteen thousand; and as the said city covers school section number thirty-six, in township number one north, of range number one west, the same may be embraced in such entry, and indemnity shall be given therefor when a grant shall be made by Congress of sections sixteen and thirty-six, in the Territory of Utah, for school purposes. (b)

School section may be included. *Be it enacted, &c.*, That the words "not exceeding five thousand and no more," contained in an act entitled "An act for the relief of the inhabitants of cities and towns upon the public lands," approved March two, eighteen hundred and sixty-seven, shall not apply to Salt Lake City, (a) in the Territory of Utah; but said act shall be so amended and construed in its application to said city that lands may be entered as provided in said act for the full number of inhabitants contained in said city not exceeding fifteen thousand; and as the said city covers school section number thirty-six, in township number one north, of range number one west, the same may be embraced in such entry, and indemnity shall be given therefor when a grant shall be made by Congress of sections sixteen and thirty-six, in the Territory of Utah, for school purposes. (b)

Indemnity therefor. *Be it enacted, &c.*, That the words "not exceeding five thousand and no more," contained in an act entitled "An act for the relief of the inhabitants of cities and towns upon the public lands," approved March two, eighteen hundred and sixty-seven, shall not apply to Salt Lake City, (a) in the Territory of Utah; but said act shall be so amended and construed in its application to said city that lands may be entered as provided in said act for the full number of inhabitants contained in said city not exceeding fifteen thousand; and as the said city covers school section number thirty-six, in township number one north, of range number one west, the same may be embraced in such entry, and indemnity shall be given therefor when a grant shall be made by Congress of sections sixteen and thirty-six, in the Territory of Utah, for school purposes. (b)

(a) See No. 2210.

(b) See Nos. 2193, 2195, 2203.

Dec. 15, 1870.
Vol. 16, p. 395.

No. 2205.—AN ACT granting to the Utah Central Railroad Company a right of way through the public lands for the construction of a railroad and telegraph.

Right of way through public lands granted to Utah Central Railroad Company for railroad and telegraph. *Be it enacted, &c.*, That the right of way through the public lands be, and the same is hereby, granted to the Utah Central Railroad Company, a corporation created under the laws of the legislative assembly of the Territory of Utah, its successors and assigns, for the construction of a railroad and telegraph from a point at or near Ogden City, in the Territory of Utah, to Salt Lake City, in said Territory; and the right, power, and authority is [are] hereby given to said corporation to take from the public lands adjacent to the line of said road material of earth, stone, timber, and so forth, for the construction thereof. Said way is granted to said railroad to the extent of two hundred feet in width on

Extent of grant. *Be it enacted, &c.*, That the right of way through the public lands be, and the same is hereby, granted to the Utah Central Railroad Company, a corporation created under the laws of the legislative assembly of the Territory of Utah, its successors and assigns, for the construction of a railroad and telegraph from a point at or near Ogden City, in the Territory of Utah, to Salt Lake City, in said Territory; and the right, power, and authority is [are] hereby given to said corporation to take from the public lands adjacent to the line of said road material of earth, stone, timber, and so forth, for the construction thereof. Said way is granted to said railroad to the extent of two hundred feet in width on

each side of said railroad where it may pass through the public domain, including all necessary ground for station-buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations: *Provided*, That within three months from the passage of this act the said Utah Central Railroad Company shall file with the Secretary of the Interior a map to be approved by him, exhibiting the line of the railroad of said company, as the same has been located and constructed: *Provided further*, That said company shall not charge the Government higher rates than they do individuals for like transportation and telegraphic service. And it shall be the duty of the Utah Central Railroad Company to permit any other railroad, which has been or shall be authorized to be built by the United States, or by the legislature of the Territory of Utah, to form running connections with its road on fair and equitable terms.

Company to file map of location with Secretary of the Interior within three months. Rates for transportation.

Running connections with certain other roads.

SEC. 2. *And be it further enacted*, That the United States make the grants herein, and that the said Utah Central Railroad Company accepts the same, upon the express condition that the said company shall not exercise the power given by section ten of chapter sixteen of the laws of the Territory of Utah, approved February nineteenth, eighteen hundred and sixty-nine; and upon the further express condition that if the said company make any breach of the conditions hereof, then in such case, at any time hereafter, the United States, by its Congress, may do any and all acts and things which may be needful and necessary for the enforcement of such conditions.

Express conditions of making and accepting grant.

Congress may enforce conditions.

SEC. 3. *And be it further enacted*, That said Utah Central Railroad shall be a post-route and a military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose, restricting the charges for such Government transportation.

Railroad to be a post route and military road.

SEC. 4. *And be it further enacted*, That the acceptance of the terms, conditions, and impositions of this act, by the said Utah Central Railroad Company, shall be signified in writing under the corporate seal of said company, duly executed pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within three months after the passage of this act, and shall be served on the President of the United States; and if such acceptance and service shall not be so made, this grant shall be void.

Acceptance of grant by the railroad to be in writing, and in three months.

SEC. 5. *And be it further enacted*, That Congress may at any time, having due regard for the rights of said Utah Central Railroad Company, add to, alter, amend, or repeal this act. (a)

Act may be altered, &c.

(a) See Nos. 2092, 2116, 2199, 2203, 2206, 2207, 2208, 2209, 2214.

No. 2206.—AN ACT granting the right of way through the public lands for the construction of a railroad from Great Salt Lake to Portland, Oregon. April 12, 1872.
Vol. 17, p. 52.

[See OREGON, No. 2269.]

No. 2207.—AN ACT granting a right of way to the Utah, Idaho, and Montana Railroad Company. June 1, 1872.
Vol. 17, p. 212.

Be it enacted, &c., That for the purpose of enabling the Utah, Idaho, and Montana Railroad Company, a corporation organized under the laws of the Territory of Utah, which said organization is hereby legalized and made valid, to build and extend their line by way of Malade river and Snake River valleys, through Utah, Idaho, and Montana Territories, to a connection with the Northern Pacific Railroad, or with the Helena and Utah Northern Railroad, by the most eligible route, to be selected by said company, the right of way to the extent of one hundred feet in width on each side of the centre of said road, through the public lands, be, and the same is hereby, granted to said company, their successors and assigns, for the construction of a railroad and telegraph from Corinne City, Utah Territory, to the Northern Pacific Railroad, or to said Helena and Northern Utah Railroad, as said company may elect, together with the right to increase their capital stock in proportion to the increased length of their line by resolution of their board of directors, and the filing with the auditor of public accounts of Utah of an additional certificate setting forth said increase, and to take

Right of way through public lands granted to the Utah, Idaho, and Montana Railroad Company for railroad and telegraph purposes. Corporation legalized.

May increase its capital stock.

May take materials, &c., from public lands, &c.

No private property to be taken except by &c.

Corporation may mortgage its road, &c., for not over, &c., and issue bonds.

Proviso.

Other roads may be built through any defile on the route of this road.

Road when to be located and completed.

Act may be altered, &c.

from the public lands adjacent to the line of said road material of earth, stone, timber, and water for the construction and maintenance thereof, and the necessary ground for station-buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations, not exceeding twenty acres for every ten miles of the main line of said road: *Provided*, That no private property shall be taken for the use of said company except in the manner prescribed by the laws of Utah Territory, or by section three of an act entitled "An act to amend 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July first, eighteen hundred and sixty-two," approved July second, eighteen hundred and sixty-four.

SEC. 2. That said company shall be, and they are hereby, authorized and empowered to mortgage, in the usual manner, their franchise, road-bed, and all property belonging to said company, to an amount not exceeding thirty thousand dollars per mile for the entire length of said road, upon such terms as may seem to them best; and upon said mortgage may issue mortgage bonds, not to exceed thirty thousand dollars per mile: *Provided*, That in no case shall the United States be responsible for said bonds.

SEC. 3. That the rights herein granted shall not preclude the construction of other roads through any canyon, defile, or pass on the route of said road; nor shall any thing herein contained be construed as recognizing or denying the authority of the governor and legislature of Utah Territory to create railroad corporations.

SEC. 4. That said company shall locate said railroad and telegraph line within eighteen months from the passage of this act, and shall complete the same within ten years thereafter, failing in which this act shall be null and void.

SEC. 5. That Congress hereby reserves the right to alter, amend or repeal this act at any time, having due regard to the rights of said company. (a)

(a) See Nos. 2092, 2116, 2199, 2203, 2205, 2206, 2208, 2209, 2214.

March 3, 1873.
Vol. 17, p. 612.

No. 2208.—AN ACT granting the right of way through the public lands to the Utah Northern Railroad Company.

Right of way granted to the Utah Northern Railroad Company through public lands in Utah, Idaho, and Montana.

Extent of grant.

Land for buildings, side-tracks, &c.

Materials for construction.

Private property not to be taken except, &c.

Mortgage and mortgage bonds.

Be it enacted, &c., That for the purpose of enabling the Utah and Northern Railroad Company, a corporation organized under the laws of the Territory of Utah, to build and extend its line by way of Bear River Valley, Soda Springs, Snake River Valley, and through Montana Territory, to a connection with the Northern Pacific Railroad, by the most advantageous and practicable line, to be selected by said company, the right of way through the public lands in the Territory of Utah, Idaho, and Montana is hereby granted to said company. Said right of way hereby granted to said company is to be the extent of one hundred feet in width on each side of the central line of said road where it may pass over the public lands. There is also hereby granted to said company all necessary ground, not to exceed twenty acres for each ten miles in length of the main line of said railroad, for station-buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations. And whenever it may be necessary to use material from the public lands for the construction of said road, it may be done; but no private property shall be taken for the use of said company, except in the manner now provided by section three of an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July first, eighteen hundred and sixty-two," approved July second, eighteen hundred and sixty-seven.

SEC. 2. That said company shall be authorized and empowered to mortgage, in the usual manner, their franchise, road-bed, and all property belonging to said company, to an amount not to exceed fifteen thousand dollars per mile for the entire length of said road, upon such terms as may seem to them best; and upon said mortgage may issue mortgage bonds, not to exceed the same amount per mile; but in no case

shall the United States be liable in any way whatever for anything United States done by said company. not liable.

SEC. 3. That the rights herein granted shall not preclude the con- Other roads struction of other roads through any canyon, defile, or pass on the route may be con- of said road. structed, &c.

SEC. 4. That the said railroad company shall locate the route of said Road when to railroad and file a map of such location within one year in the office of be located and the Secretary of the Interior, and shall complete its railroad within ten completed. years after the passage of this act; and nothing herein contained shall be construed as recognizing or denying the authority of the legislature of Utah Territory to create railroad corporations.

SEC. 5. The Congress reserves to itself the right to alter, amend, or Act may be repeal this act whenever in its judgment the interests of the people amended. may require it. (a)

(a) See Nos. 2092, 2116, 2199, 2203, 2205, 2206, 2207, 2209, 2214.

No. 2209.—AN ACT supplemental to an act entitled "An act granting the right of way through the public lands for the construction of a railroad from Great Salt Lake to Portland, Oregon," approved April twelfth, eighteen hundred and seventy-two. March 3, 1873. Vol. 17, p. 612.

[See OREGON, No. 2272.]

No. 2210.—AN ACT granting a portion of the United States military reservation at Salt Lake City for cemetery purposes. May 16, 1874. Vol. 18, p. 46.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to set apart a tract of land, not exceeding twenty acres in extent, in the United States military reservation of Camp Douglas, near Salt Lake City, in the Territory of Utah, to be used as a public cemetery, under such rules and regulations as he shall establish for the protection, care, and management of such cemetery. And he shall cause the same to be laid off and platted in convenient and suitable lots, which shall be forever devoted for the purpose of the burial of the dead. And he may set apart forever to each of the religious denominations organized in Salt Lake City which shall file with him proof of their organization a lot not to exceed one acre in size, and of convenient shape, which such denominations may inclose and ornament as they see fit, to be used for the purposes of burial; and two acres shall be reserved as a "potter's field," or common burying-ground, which may be inclosed and ornamented by the authority of the said city. (a)

(a) See No. 2204.

No. 2211.—AN ACT in relation to courts and judicial officers in the Territory of Utah. June 23, 1874. Vol. 18, p. 253.

SEC. 2. * * * Probate courts, in their respective counties shall have jurisdiction in the settlement of the estates of decedents, and in matters of guardianship and other like matters; but otherwise they shall have no civil, chancery, or criminal jurisdiction whatever; they shall have jurisdiction of suits of divorce for statutory causes concurrently with the district courts; but any defendant in a suit for divorce commenced in a probate court shall be entitled after appearance and before plea or answer, to have said suit removed to the district court having jurisdiction when said suit shall proceed in like manner as if originally commenced in said district court. Nothing in this act shall be construed to impair the authority of the probate courts to enter land in trust for the use and benefit of the occupants of towns in the various counties of the Territory of Utah, according to the provisions of "An act for the relief of the inhabitants of cities and towns upon public lands," approved March second, eighteen hundred and sixty-seven and "An act to amend an act entitled 'An act for the relief of the inhabitants of cities and towns upon the public lands'" approved June eighth, eighteen hundred and sixty-eight; or to discharge the duties assigned to the probate judges by an act of the legislative assembly of the Territory of Utah entitled "An act prescribing rules and regulations for the execution of the trust arising under an act of Congress entitled 'An act for the relief of the inhabitants of cities and towns upon the public lands.'" Probate courts, jurisdiction. Removal of divorce causes to district courts. Authority of probate courts to enter land in trust not impaired.

- April 25, 1876. No. 2212.—AN ACT to establish a land office in the southern part of Utah Territory, to be known as the Beaver district, and for other purposes.
Vol. 19, p. 36.
- Beaver land district established.
- Land office.
- Register and receiver.
- Be it enacted, &c.,* That so much of the public lands of the United States in the Territory of Utah, beginning at the southwestern boundary of said Territory, thence running north on the line between said Territory and the State of Nevada to the fourth standard parallel of latitude, thence easterly along said line to the eastern boundary of said Territory, thence southerly to the southern boundary of said Territory, thence westerly to the place of beginning, be formed into a land district, to be called the Beaver land district, the land office for which shall be located at such point as the President may direct, and may be removed from time to time to other points within said district whenever, in his opinion, it may be expedient.
- SEC. 2. That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said district, who shall respectively be required to reside at the site of said office; and they shall have the same powers, perform the same duties, and be entitled to the same compensation as are or may be prescribed by law in relation to the land office now established at Salt Lake City. (a)
- (a) See No. 2202.

- June 18, 1878. No. 2213.—AN ACT for the restoration to market of certain lands in the Territory of Utah.
Vol. 20, p. 165.
- Indian reservation in Utah restored to market.
- Be it enacted, &c.,* That so much of the act of Congress approved May fifth, eighteen hundred and sixty-four, and entitled "An act to vacate and sell the present Indian reservation in Utah Territory, and to settle Indians of said Territory in the Uinta Valley," as directs the Secretary of the Interior to cause to be appraised and offer for sale upon sealed bids the reservations therein referred to, be, and the same is hereby, repealed, (a) and the Secretary of the Interior is hereby authorized and directed to restore the same to the public domain for disposition as other public lands. (b)
- (a) See Nos. 2200, 2201.
(b) See Nos. 2300, 2302.

- June 20, 1878. No. 2214.—AN ACT creating the Utah and Northern Railway Company, a corporation in the Territories of Utah, Idaho, and Montana, and granting the right of way to said company through the public lands.
Vol. 20, p. 241.
- Utah and Northern Railway Company.
Right of way modified, &c.
- To be a corporation in Utah, Idaho, and Montana.
Proviso.
- Suits.
- Amendment, &c.
- Be it enacted, &c.,* That the right of way through the public lands of the United States and other privileges heretofore granted by law to the Utah Northern Railroad Company are hereby modified and regranted so as to enable the Utah and Northern Railway Company and its assigns to build their road by the way of Marsh Valley, Portneuf River and Snake River Valley instead of by the way of Soda Springs and Snake River Valley as originally granted.
- SEC. 2. And said company is hereby made a railway corporation in the Territories of Utah, Idaho, and Montana, under the same conditions and limitations and with the same rights and privileges that it now has and enjoys under its articles of incorporation. *Provided* That said corporation shall at all times hereafter be subject to all the laws and regulations in relation to railroads of the United States or of any Territory or State through which it may pass. And suits against said corporation may be instituted in the courts of said Territories or either of them having jurisdiction by the laws of such Territory.
- SEC. 3. Congress may at any time add to, alter, amend or repeal this act. (a)
- (a) See Nos. 2092, 2116, 2199, 2203, 2205, 2206, 2207, 2208, 2209.

ARIZONA TERRITORY.

No. 2215.—A PROCLAMATION by the President of the United States of America respecting the boundary with Mexico.

June 2, 1856.
Vol. 11, p. 793.

[See NEW MEXICO, No. 2138.]

No. 2216.—AN ACT making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and sixty.

Feb. 28, 1859.
Vol. 11, p. 388.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized and required to cause to be surveyed, and the boundaries thereof permanently marked, the tract or tracts of land lying on or near the Gila River, in the Territory of Arizona, New Mexico, now occupied by the confederated bands of Pima and Maricopa Indians, and the sum of one thousand dollars is hereby appropriated to defray the expenses of the said survey.

Tracts occupied by the Pima and Maricopa Indians on the Gila River to be surveyed, &c.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized and required to set apart the tract or tracts of land aforesaid as a reservation for the confederated bands of Pimas and Maricopas: *Provided*, That the said reservations shall not exceed one hundred square miles in extent.

Reservations for said Indians.

Proviso.

No. 2217.—AN ACT to provide a temporary government for the Territory of Arizona, and for other purposes.

Feb. 24, 1863.
Vol. 12, p. 664.

Be it enacted, &c., That all that part of the present Territory of New Mexico situate west of a line running due south from the point where the southwest corner of the Territory of Colorado joins the northern boundary of the Territory of New Mexico to the southern boundary line of said Territory of New Mexico be, and the same is hereby, erected into a temporary government by the name of the Territory of Arizona: *Provided*, That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such time as it may deem proper: *Provided, further*, That said government shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State, on an equal footing with the original States. (a)

Territory of Arizona.
Boundaries.

May be divided hereafter.

Territorial government to remain until, &c.

SEC. 2. *And be it further enacted*, That the government hereby authorized shall consist of an executive, legislative, and judicial power. The executive power shall be vested in a governor. The legislative power shall consist of a council of nine members, and a house of representatives of eighteen. The judicial power shall be vested in a supreme court, to consist of three judges, and such inferior courts as the legislative council may by law prescribe; there shall also be a secretary, a marshal, a district attorney, and a surveyor-general (b) for said Territory, who, together with the governor and judges of the supreme court, shall be appointed by the President, by and with the advice and consent of the Senate, and the term of office for each, the manner of their appointment, and the powers, duties, and the compensation of the governor, legislative assembly, judges of the supreme court, secretary, marshal, district attorney, and surveyor-general aforesaid, with

Government, executive, legislative, judicial.

Officers, how appointed, &c.

their clerks, draughtsman, deputies, and sergeant-at-arms, shall be such as are conferred upon the same officers by the act organizing the Territorial government of New Mexico, which subordinate officers shall be appointed in the same manner, and not exceed in number those created by said act; and acts amendatory thereto, together with all legislative enactments of the Territory of New Mexico not inconsistent with the provisions of this act, are hereby extended to and continued in force in the said Territory of Arizona, until repealed or amended by future legislation: *Provided*, That no salary shall be due or paid the officers created by this act until they have entered upon the duties of their respective offices within the said Territory.

Acts governing
New Mexico extended to this
Territory.

Proviso.

(a) See Nos. 2133, 2215.
(b) See Nos. 2173, 2218, 2221.

July 2, 1864.
Vol. 13, p. 344.

No. 2218.—AN ACT making appropriations, &c.
[Arizona and New Mexico to constitute one surveying district. See COLORADO, No. 2172.]

July 27, 1866.
Vol. 14, p. 293.

No. 2219.—AN ACT granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific Coast.
[See MISSOURI, No. 1121.]

March 2, 1867.
Vol. 14, p. 542.

No. 2220.—AN ACT to create the office of surveyor-general in the Territory of Montana, and establish a land office in the Territories of Montana and Arizona.
[See MONTANA, No. 1970.]

July 11, 1870.
Vol. 16, p. 230.

Arizona made a
separate survey-
ing district.

Surveyor-general,
his salary,
power, duties, al-
lowances, and lo-
cation of office.

No. 2221.—AN ACT to make the Territory of Arizona a separate surveying district, and to establish the office of surveyor-general therein.

Be it enacted, &c., That the Territory of Arizona is hereby created a separate surveying district, and that the President, by and with the consent of the Senate, shall be, and hereby is, authorized to appoint a surveyor-general for the Territory, whose annual salary shall be three thousand dollars, and whose power, authority, and duties shall be the same as those provided by law for the surveyor-general of Oregon. He shall have proper allowances for clerk hire, office rent, and fuel, and he shall locate his office from time to time at such places as may be directed by the President of the United States. (a)

(a) See Nos. 2173, 2217, 2218.

July 15, 1870.
Vol. 16, p. 291.

No. 2222.—AN ACT making appropriations for sundry civil expenses of the Government for the year ending June thirty, eighteen hundred and seventy-one, and for other purposes.

Surveyor-gen-
eral of Arizona to
report upon the
nature and extent
of claims to lands
therein, under
the laws and
usages of Spain
and Mexico.

Reports to be
laid before Con-
gress.

For surveying the public lands in Arizona, at rates not exceeding fifteen dollars per lineal mile for standard lines, twelve dollars for township, and ten dollars for section lines, ten thousand dollars: *Provided*, That it shall be the duty of the surveyor-general of Arizona, under such instructions as may be given by the Secretary of the Interior, to ascertain and report upon the origin, nature, character, and extent of the claims to lands in said Territory under the laws, usages, and customs of Spain and Mexico; and for this purpose he shall have all the powers conferred, and shall perform all the duties enjoined upon the surveyor-general of New Mexico by the eighth section of an act entitled "An act to establish the offices of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers, and for other purposes." approved July twenty-second, eighteen hundred and fifty-four, and his report shall be laid before Congress for such action thereon as shall be deemed just and proper.

March 3, 1871.
Vol. 16, p. 573.

No. 2223.—AN ACT to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes.
[See CALIFORNIA, No. 2391.]

No. 2224.—AN ACT creating an additional land district in the Territory of Arizona.

Feb. 18, 1873.
Vol. 17, p. 465.

Be it enacted, &c., That all that portion of the Territory of Arizona embraced in the following-described limits, to wit: commencing at the eastern boundary of the Territory, at the intersection of the first standard line north; and running thence west on that line to the western boundary of the Territory; thence south with said boundary line to the southern boundary of the Territory; thence east on said line to the eastern boundary of the eastern boundary of the Territory; and thence north on said line to the place of beginning, shall constitute a separate land district, to be called the Gila land district, the office of which shall be located at such place in said district as the President of the United States may direct, which may be changed from time to time as the public interest may require.

Gila land district in Arizona established.
Boundaries.

Land office.

SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate or in the recess of the Senate, a register and a receiver of public moneys for said district; and said officers shall reside in the place where said land office is located; and they shall have the same powers, perform the same duties, and receive the same emoluments as are, or may be prescribed by law in relation to land offices of the United States in other Territories. (a)

Register and receiver, their residence, powers, and pay.

(a) See Nos. 1970, 2220.

No. 2225.—AN ACT authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona as may be no longer required for military purposes.

June 23, 1874.
Vol. 18, p. 301.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to relinquish and turn over to the Department of the Interior, for restoration to the public domain, such parts of what are known as the Fort Yuma, (a) Fort Whipple, and Camp Date Creek reservations, in the Territory of Arizona, as may in the opinion of the Secretary of War, be no longer required for military purposes: *Provided*, That the Secretary of the Interior shall expose the same at public offering for sale to the highest bidder in the legal subdivision not greater than one quarter-section when the same can be made, and not below the minimum price provided by law. And any land left unsold at such offering to be held thereafter for disposal as other public lands. Notice of such public sale shall be published for sixty days in two newspapers each, one published in the capital of the Territory, and the other circulating nearest the place of sale: *Provided further*, That bona-fide settlers, upon any part of said lands prior to the declaration of the reservation lines, shall have a right to acquire title to the lands so occupied by them at said time, not exceeding one hundred and sixty acres each, under the land laws of the United States.

Certain reservations in Arizona Territory to be restored to the public domain.

To be offered at public sale.
Conditions.

Unsold portion, how disposed of.
Notice of sale.

Rights of settlers.

(a) See No. 2226.

No. 2226.—AN ACT authorizing the Commissioner of the General Land Office to grant a patent for certain land in the Territory of Arizona.

Jan. 23, 1875.
Vol. 18, p. 303.

Be it enacted, &c., That the Commissioner of the General Land Office be, and he is hereby, authorized to include, under the patent for the town site of the town of Yuma, county of Yuma, and Territory of Arizona, that part of the Fort Yuma military reservation (not exceeding ten acres of land in all,) restored to the public domain under the act of Congress entitled "An act authorizing the Secretary of War to relinquish and turn over to the Interior Department such parts of certain reservations in the Territory of Arizona as may be no longer required for military purposes," approved June twenty-second, eighteen hundred and seventy-four. (a)

Patent of town of Yuma to include certain lands.

(a) See No. 2225.

No. 2227.—AN ACT to grant title to certain lands in the Territory of Arizona.

Feb. 5, 1875.
Vol. 18, p. 305.

Whereas, certain lands in Santa Cruz Valley, county of Pima, and Territory of Arizona, have for many years been occupied and possessed by persons of Mexican birth, who became citizens of the United States under the treaty of Guadalupe Hidalgo and the Gadsden treaty; and whereas the said persons desire to secure patents for said lands in the

Preamble.

small and irregular tracts in which they were originally taken up under Mexican authority, and have been held and cultivated to the present time, and they cannot do so under the existing land laws of the United States; Therefore,

Relinquishing certain lands in Pima County, Arizona, to certain occupants.

Be it enacted, f.c., That all the right and title of the United States to the land embraced in sections two, eleven, and fourteen, and the east half of sections three, ten and fifteen of township fourteen south, range thirteen east, Gila and Salt River meridian, in the county of Pima, Territory of Arizona, be, and the same are hereby, relinquished and granted to the person or persons who have been in the actual bona-fide occupancy or possession of said land, by themselves or their ancestors or grantors for twenty years next preceding the date of the passage of this act; and it shall be the duty of the register and the receiver of the United States land office for the district in which said land lies, to hear and determine, subject to the approval of the Commissioner of the General Land Office, the rights of the parties claiming under this act; and for that purpose the said register and the said receiver shall have power to summon witnesses, administer oaths, and take testimony relative to such occupancy or possession: *Provided*, That no claim as aforesaid shall be of any validity under this act unless it shall have been duly filed with the said register and the said receiver within one year after the passage of this act: *And provided further*, That this grant shall not extend to any reservation of the United States, nor prejudice any valid adverse right or claim, if such exist, to said land, or any part thereof, nor preclude a judicial examination and adjustment thereof.

Facts to be determined by register and receiver.

Claim to be filed within one year. Grant not to extend to reservations, nor affect adverse rights.

Survey of claims.

SEC. 2. That whenever it shall have been determined by the said register and the said receiver, or on appeal by the Commissioner of the General Land Office or Secretary of the Interior that any tract has been occupied as aforesaid, it shall be the duty of the surveyor-general for said Territory to cause the said claims to be surveyed in accordance with the lines of such occupancy, and to furnish approved plats of the same, upon the receipt and approval of which said plats, and the field-notes thereof by the Commissioner of the General Land Office, patents shall issue as in other cases.

Patent, when to be issued.

Lands not occupied for twenty years to be open for settlement.

SEC. 3. That any part or parts of said designated lands that are not shown, to the satisfaction of the Commissioner of the General Land Office, to have been so occupied for twenty years, shall be held by him as open to settlement under the provisions of the preëmption or homestead laws of the United States, and patents may be issued therefor for any number of acres not exceeding one hundred and sixty that parties complying with said legal provisions may desire to hold: *Provided*, That all existing occupants who have settled on said lands within a period of less than twenty years shall have the prior right to acquire the same under the homestead laws of the United States.

Prior right of occupants for less than twenty years.

OREGON.

No. 2228.—AN ACT to establish the Territorial government of Oregon.

Aug. 14, 1848.
Vol. 9, p. 323.

Be it enacted, &c., That from and after the passage of this act, all that part of the territory of the United States which lies west of the summit of the Rocky Mountains, north of the forty-second degree of north latitude, known as the Territory of Oregon, shall be organized into and constitute a temporary government by the name of the Territory of Oregon: *Provided,* That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to affect the authority of the Government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the Government to make if this act had never passed: *And provided, also,* That the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, together with the improvements thereon, be confirmed and established in the several religious societies to which said missionary stations respectively belong: *And provided further,* That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States. (a)

Temporary government for Territory of Oregon established.

Proviso as to Indians in said Territory.

Title to missionary stations confirmed.

Power to divide said Territory reserved.

SEC. 6. *And be it further enacted,* That the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws passed by the legislative assembly shall be submitted to the Congress of the United States, and if disapproved, shall be null and of no effect:

Extent of legislative power.

SEC. 14. *And be it further enacted,* That the inhabitants of said Territory shall be entitled to enjoy all and singular the rights, privileges, and advantages granted and secured to the people of the territory of the United States northwest of the river Ohio, by the articles of compact contained in the ordinance for the government of said territory, on the thirteenth day of July, seventeen hundred and eighty-seven; and shall be subject to all the conditions, and restrictions, and prohibitions in said articles of compact imposed upon the people of said territory; and the existing laws now in force in the Territory of Oregon, under the authority of the provisional government established by the people thereof, shall continue to be valid and operative therein, so far as the same be not incompatible with the Constitution of the United States, and the principles and provisions of this act; subject, nevertheless, to be altered, modified, or repealed, by the legislative assembly of the said Territory of Oregon; but all laws heretofore passed in said Territory making grants of land, or otherwise affecting or incumbering the title to lands, shall be, and are hereby declared to be, null and void; and the laws of the United States are hereby extended over, and declared to be in force in, said Territory, so far as the same, or any provision thereof, may be applicable.

Ordinance of 1787 for government of Northwest Territory extended over said Territory of Oregon.

All grants of lands heretofore made in said Territory to be null and void.

SEC. 20. *And be it further enacted,* That when the lands in the said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sec-

Reservation of lands for use of schools.

tions numbered sixteen and thirty-six in each township in said Territory shall be, and the same is hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

(a) See No. 2240.

(b) See Nos. 1835, 2230, 2231, 2232, 2240, 2265.

June 5, 1850.
Vol. 9, p. 437.

No. 2229.—AN ACT authorizing the negotiation of treaties with the Indian tribes in the Territory of Oregon, for the extinguishment of their claims to lands lying west of the Cascade Mountains, and for other purposes.

Commissioners to be appointed, and their duties defined.

Be it enacted, &c., That the President be authorized to appoint one or more commissioners to negotiate treaties with the several Indian tribes in the Territory of Oregon, for the extinguishment of their claims to lands lying west of the Cascade Mountains; and, if found expedient and practicable, for their removal east of said mountains; also, for obtaining their assent and submission to the existing laws regulating trade and intercourse with the Indian tribes in the other Territories of the United States, so far as they may be applicable to the tribes in the said Territory of Oregon; the compensation to such commissioner or commissioners not to exceed the rate heretofore allowed for similar services. (a)

Superintendent of Indian affairs for Oregon to be appointed.
Salary.
Duty.

SEC. 2. *And be it further enacted,* That the President be authorized, by and with the advice and consent of the Senate, to appoint a superintendent of Indian affairs for the Territory of Oregon, who shall receive an annual salary of twenty-five hundred dollars, and whose duty it shall be to exercise a general superintendence over all the Indian tribes in Oregon, and to exercise and perform all the powers and duties assigned by law to other superintendents of Indian affairs.

Part of former act repealed.

SEC. 3. *And be it further enacted,* That so much of the act to establish the Territorial government of Oregon, approved the eleventh [14th] August, 1848, as requires the governor of said Territory to perform the duties of superintendent of Indian affairs, and authorizes him to receive a salary therefor, in addition to the salary allowed for his services as governor, be repealed; and that the governor of said Territory shall hereafter receive an annual salary of three thousand dollars.

Governor of Oregon's salary, \$3,000.

Indian agents to be appointed.
Salaries and duties.

SEC. 4. *And be it further enacted,* That the President be authorized, by and with the advice and consent of the Senate, to appoint one or more Indian agents, not exceeding three, as he shall deem expedient, each of whom shall receive an annual salary of fifteen hundred dollars, give bond as now required by law, and perform all the duties of agent to such tribe or tribes of Indians in the Territory of Oregon as shall be assigned to him by the superintendent to be appointed by the provisions of this act, under the direction of the President.

Laws to be extended over Indian tribes specified.

SEC. 5. *And be it further enacted,* That the law regulating trade and intercourse with the Indian tribes east of the Rocky Mountains, or such provisions of the same as may be applicable, be extended over the Indian tribes in the Territory of Oregon.

Appropriation.

SEC. 6. *And be it further enacted,* That the sum of twenty-five thousand dollars be appropriated, out of any moneys in the Treasury not otherwise appropriated, to carry into effect the provisions of this act.

(a) See Nos. 2246, 2276.

Sept. 27, 1850.
Vol. 9, p. 496.

No. 2230.—AN ACT to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands.

Surveyor-general of Oregon; his authority and duties.

Be it enacted, &c., That a surveyor-general shall be appointed for the Territory of Oregon, who shall have the same authority, perform the same duties respecting the public lands and private land claims in the Territory of Oregon, as are vested in and required of the surveyor of lands in the United States northwest of the Ohio, except as hereinafter provided.

Salary and place of office.

SEC. 2. *And be it further enacted,* That the said surveyor-general shall establish his office at such place within the said Territory as the President of the United States may from time to time direct; he shall be allowed an annual salary of two thousand five hundred dollars, to be paid quarter-yearly, and to commence at such time as he shall enter

into bond, with competent security, for the faithful discharge of the duties of his office. There shall be, and hereby is, appropriated the sum of four thousand dollars, or as much thereof as is necessary for clerk hire in his office; and the further sum of one thousand dollars per annum for office rent, fuel, books, stationery, and other incidental expenses of his office, to be paid out of the appropriation for surveying the public lands.

SEC. 3. *And be it further enacted*, That if, in the opinion of the Secretary of the Interior, it be preferable, the surveys in said Territory shall be made after what is known as the geodetic method, under such regulations, and upon such terms, as may be provided by the Secretary of the Interior or other Department having charge of the surveys of the public lands, and that said geodetic surveys shall be followed by topographical surveys, as Congress may from time to time authorize and direct; but if the present mode of survey be adhered to, then it shall be the duty of said surveyor to cause a base line, and meridian to be surveyed, marked, and established, in the usual manner, at or near the mouth of the Willamette River; and he shall also cause to be surveyed, in townships and sections, in the usual manner, and in accordance with the laws of the United States, which may be in force, the district of country lying between the summit of the Cascade Mountains and the Pacific Ocean, and south and north of the Columbia River: *Provided, however*, That none other than township lines shall be run where the land is deemed unfit for cultivation. That no deputy surveyor shall charge for any line except such as may be actually run and marked, nor for any line not necessary to be run; and that the whole cost of surveying shall not exceed the rate of eight dollars per mile, for every mile and part of mile actually surveyed and marked. (a)

SEC. 4. *And be it further enacted*, That there shall be, and hereby is, granted to every white settler or occupant of the public lands, a half-section of land to every white settler above the age of eighteen years, being above 18 years of age, who is a citizen of the United States, or having made a declaration according to law, of his intention to become a citizen, or who shall make such declaration on or before the first day of December, eighteen hundred and fifty-one, now residing in said Territory, or who shall become a resident thereof on or before the first day of December, eighteen hundred and fifty, and who shall have resided upon and cultivated the same for four consecutive years, and shall otherwise conform to the provisions of this act, the quantity of one half section, or three hundred and twenty acres of land, if a single man, and if a married man, or if he shall become married within one year from the first day of December, eighteen hundred and fifty, the quantity of one section, or six hundred and forty acres, one-half to himself and the other half to his wife, to be held by her in her own right; and the surveyor-general shall designate the part enuring to the husband and that to the wife, and enter the same on the records of his office; and in all cases where such married persons have complied with the provisions of this act, so as to entitle them to the grant as above provided, whether under the late provisional government of Oregon, or since, and either shall have died before patent issues, the survivor and children or heirs of the deceased shall be entitled to the share or interest of the deceased in equal proportions, except where the deceased shall otherwise dispose of it by testament duly and properly executed according to the laws of Oregon: *Provided*, That no alien shall be entitled to a patent to land, granted by this act, until he shall produce to the surveyor-general of Oregon, record evidence that his naturalization as a citizen of the United States has been completed; but if any alien, having made his declaration of intention to become a citizen of the United States, after the passage of this act, shall die before his naturalization shall be completed, the possessory right acquired by him under the provisions of this act shall descend to his heirs at law, or pass to his devisees, to whom, as the case may be, the patent shall issue: *Provided, further*, That in all cases provided for in this section, the donation shall embrace the land actually occupied and cultivated by the settler thereon: *Provided, further*, That all future contracts by any person or persons entitled to the benefit of this act, for the sale of the land to which he or they may be entitled under this act before he or they have received a patent therefor, shall be void: *Provided, further, however*, That this section shall not be so construed as to allow those claiming rights under the

Bond.
Appropriation
for clerk hire.

Incidental ex-
penses.

Manner of
making surveys.

Proviso.

Grant of public
lands to every
white settler
above 18 years of
age, who is a citi-
zen of the United
States, or who
has declared his
intention, or shall
declare it before
Dec. 1, 1850.

Half a section
to a single man,
and a whole sec-
tion to a married
man.

When married
persons have
complied with
the provisions of
this act, and ei-
ther shall have died
before the patent
issues, the sur-
vivor and children
or heirs of the de-
ceased entitled to
his or her share,
in equal propor-
tions.

Proviso.

Further pro-
viso.

Further pro-
viso.

Further pro-
viso.

treaty with Great Britain relative to the Oregon Territory, to claim both under this grant and the treaty, but merely to secure them the election, and confine them to a single grant of land.

Grants of land to white persons emigrating to Oregon between Dec. 1, 1850, and Dec. 1, 1853.

SEC. 5. *And be it further enacted*, That to all white male citizens of the United States, or persons who shall have made a declaration of intention to become such, above the age of twenty-one years, emigrating to and settling in said Territory between the first day of December, eighteen hundred and fifty, and the first day of December, eighteen hundred and fifty-three; and to all white male American citizens, not hereinbefore provided for, becoming one and twenty years of age, in said Territory, and settling there between the times last aforesaid, who shall in other respects comply with the foregoing section and the provisions of this law, there shall be, and hereby is, granted the quantity of one quarter-section, or one hundred and sixty acres of land, if a single man; or if married, or if he shall become married within one year from the time of arriving in said Territory, or within one year after becoming twenty-one years of age as aforesaid, then the quantity of one half-section, or three hundred and twenty acres, one-half to the husband and the other half to the wife in her own right, to be designated by the surveyor-general as aforesaid: *Provided always*, That no person shall ever receive a patent for more than one donation of land in said Territory in his or her own right: *Provided*, That no mineral lands shall be located or granted under the provisions of this act.

Proviso.

Within three months after the survey has been made, or after the commencement of a settlement, each settler to notify the surveyor-general of the location of his tract.

SEC. 6. *And be it further enacted*, That within three months after the survey has been made, or where the survey has been made before the settlement commenced, then within three months from the commencement of such settlement, each of said settlers shall notify the surveyor-general, to be appointed under this act, of the precise tract or tracts claimed by them respectively under this law, and in all cases it shall be in a compact form; and where it is practicable so to do, the land so claimed shall be taken as nearly as practicable by legal subdivisions; but where that cannot be done, it shall be the duty of the said surveyor-general to survey and mark each claim with the boundaries as claimed, at the request and expense of the claimant; the charge for the same in such case not to exceed the price paid for surveying the public lands. The surveyor-general shall enter a description of such claims in a book to be kept by him for that purpose, and note, temporarily, on the township plats, the tract or tracts so designated, with the boundaries; and whenever a conflict of boundaries shall arise prior to issuing the patent, the same shall be determined by the surveyor-general: *Provided*, That after the first December next, all claims shall be bounded by lines running east and west, and north and south: *And provided, further*, That after the survey is made, all claims shall be made in conformity with the same, and in compact form.

Surveyor-general to keep a book in which to note the tracts designated, and to settle disputed boundaries.

Proviso.

Further proviso.

Within twelve months after survey, or settlement, all persons claiming land to prove to the surveyor-general that cultivation, &c., has been commenced.

Four years' residence to be proved, before patents for the land shall be granted.

SEC. 7. *And be it further enacted*, That within twelve months after the surveys have been made, or, where the survey has been made before the settlement, then within twelve months from the time the settlement was commenced, each person claiming a donation right under this act shall prove to the satisfaction of the surveyor-general, or of such other officer as may be appointed by law for that purpose, that the settlement and cultivation required by this act had been commenced, specifying the time of the commencement; and at any time after the expiration of four years from the date of such settlement, whether made under the laws of the late provisional government or not, shall prove in like manner, by two disinterested witnesses, the fact of continued residence and cultivation required by the fourth section of this act; and upon such proof being made, the surveyor-general, or other officer appointed by law for that purpose, shall issue certificates under such rules and regulations as may be prescribed by the Commissioner of the General Land Office, setting forth the facts in the case, and specifying the land to which the parties are entitled. And the said surveyor-general shall return the proof so taken to the office of the Commissioner of the General Land Office, and if the said Commissioner shall find no valid objection thereto, patents shall issue for the land according to the certificates aforesaid, upon the surrender thereof.

Patent to issue.

If any settler dies before expiration of four years, his rights

SEC. 8. *And be it further enacted*, That upon the death of any settler before the expiration of the four years' continued possession required by this act, all the rights of the deceased under this act shall descend to the heirs at law of such settler, including the widow, where one is

left, in equal parts; and proof of compliance with the conditions of this act up to the time of the death of such settler shall be sufficient to entitle them to the patent. (b)

SEC. 9. *And be it further enacted*, That no claim to a donation right, under the provisions of this act, upon sections sixteen or thirty-six, shall be valid or allowed, if the residence and cultivation upon which the same is founded shall have commenced after the survey of the same; nor shall such claim attach to any tract or parcel of land selected for a military post, or within one mile thereof, or to any other land reserved for Governmental purposes, unless the residence and cultivation thereof shall have commenced previous to the selection or reservation of the same for such purposes. (c)

SEC. 10. *And be it further enacted*, That there be, and hereby is, granted to the Territory of Oregon the quantity of two townships of land in said Territory, west of the Cascade Mountains, and to be selected in legal subdivisions after the same has been surveyed, by the legislative assembly of said Territory, in such manner as it may deem proper, one to be located north, and the other south, of the Columbia River, to aid in the establishment of a university in the Territory of Oregon, in such manner as the said legislative assembly may direct, the selection to be approved by the surveyor-general. (a)

SEC. 11. *And be it further enacted*, That what is known as the "Oregon City claim," excepting the Abernethy Island, which is hereby confirmed to the legal assigns of the Willamette Milling and Trading Companies, shall be set apart and be at the disposal of the legislative assembly, the proceeds thereof to be applied by said legislative assembly to the establishment and endowment of a university, to be located at such place in the Territory as the legislative assembly may designate: *Provided, however*, That all lots and parts of lots in said claim, sold or granted by Doctor John McLaughlin, previous to the fourth day of March, eighteen hundred and forty-nine, shall be confirmed to the purchaser or donee, or their assigns, to be certified to the Commissioner of the General Land Office, by the surveyor-general, and patents to issue on said certificates, as in other cases: *Provided, further*, That nothing in this act contained shall be so construed or executed, as in any way to destroy or affect any rights to land in said Territory, holden or claimed under the provisions of the treaty or treaties existing between this country and Great Britain.

SEC. 12. *And be it further enacted*, That all persons claiming land under any of the provisions of this act, by virtue of settlement and cultivation commenced subsequent to the first of December, in the year eighteen hundred and fifty, shall first make affidavit before the surveyor-general, who is hereby authorized to administer all such oaths or affirmations, or before some other competent officer, that the land claimed by them is for their own use and cultivation; that they are not acting directly or indirectly as agent for, or in the employment of others, in making such claims; and that they have made no sale or transfer, or any arrangement or agreement for any sale, transfer, or alienation of the same, or by which the said land shall enure to the benefit of any other person. And all affidavits required by this act shall be entered of record, by the surveyor-general, in a book to be kept by him for that purpose; and on proof, before a court of competent jurisdiction, that any of such oaths or affirmations are false or fraudulent, the persons making such false or fraudulent oaths or affirmations shall be subject to all the pains and penalties of perjury.

SEC. 13. *And be it further enacted*, That all questions arising under this act shall be adjudged by the surveyor-general as preliminary to a final decision according to law; and it shall be the duty of the surveyor-general, under the direction of the Commissioner of the General Land Office, to cause proper tract-books to be opened for the lands in Oregon, and to do and perform all other acts and things necessary and proper to carry out the provisions of this act. (b)

SEC. 14. *And be it further enacted*, That no mineral lands, nor lands reserved for salines, shall be liable to any claim under and by virtue of the provisions of this act; and that such portions of the public lands as may be designated under the authority of the President of the United States, for forts, magazines, arsenals, dock-yards, and other needful public uses, shall be reserved and excepted from the operation of this act: *Provided*, That if it shall be deemed necessary, in the judgment of the President, to include in any such reservation the improvements of

No claim to donations upon sections sixteen or thirty-six to be valid if the residence was commenced after the survey of the same.

Grants to Oregon for a university.

Further grant for same. "Oregon City claim."

Proviso.

Further proviso.

Persons claiming land to make oath that the land claimed is for their own use and cultivation.

Punishment of perjury.

Surveyor-general authorized to make preliminary adjudications of questions arising under this act.

Reservation of mineral and other lands.

Proviso.

any settler made previous to the passage of this act, it shall in such case be the duty of the Secretary of War to cause the value of such improvements to be ascertained, and the amount so ascertained shall be paid to the party entitled thereto, out of any money not otherwise appropriated. (c)

- (a) See Nos. 2233, 2234, 2235, 2236, 2278.
 (b) See Nos. 2233, 2235, 2247, 2248, 2267, 2277.
 (c) See Nos. 1835, 2228, 2231, 2232, 2244, 2265.
 (d) See Nos. 1864, 2235, 2240, 2243, 2245.
 (e) See No. 2233.

Feb. 19, 1851. Vol. 9, p. 568. No. 2231.—AN ACT to authorize the legislative assemblies of the Territories of Oregon and Minnesota to take charge of the school lands in said Territories, and for other purposes.

[See MINNESOTA, No. 1835.]

Jan. 7, 1853. Vol. 10, p. 170. No. 2232.—AN ACT to amend an act entitled "An act to establish the Territorial government of Oregon," approved August fourteenth, eighteen hundred and forty-eight.

Selection in Oregon of other sections in lieu of 16th and 36th, when these are located upon, authorized. *Be it enacted, &c.,* That the legislative assembly of the Territory of Oregon be, and hereby are authorized, in all cases where the sixteen or thirty-six sections, or any part thereof, shall be taken and occupied under the law making donations of land to actual settlers, or otherwise to cause the county commissioners of the several counties in said Territory, or such other officer or officers as they shall direct, to select, in lieu thereof, an equal quantity of any unoccupied land in sections, or fractional sections, as the case may be.

The lands so selected set apart for common schools. SEC. 2. *And be it further enacted,* That when selections are made in pursuance of the provisions of the first section of this act, said lands so selected, and their proceeds, shall be forever inviolably set apart for the benefit of common schools. (a)

- (a) See Nos. 1835, 2228, 2230, 2231, 2240, 2265.

Feb. 14, 1853. Vol. 10, p. 158. No. 2233.—AN ACT to amend an act entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to the settlers of the said public lands," approved September twenty-seventh, eighteen hundred and fifty.

Payment may be substituted by settlers in Oregon for the continued occupation required by act of 1850. *Be it enacted, &c.,* That all persons who have located or may hereafter locate lands in the Territory of Oregon, in accordance with the provisions of an act entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to the settlers of the said public lands," approved September twenty-seven, eighteen hundred and fifty, and of which survey shall have been made or may hereafter be had, in lieu of the term of continued occupation after settlement, as provided by said act, shall be permitted, after occupation for two years of the land so claimed, to pay into the hands of the surveyor-general of said Territory at the rate of one dollar and twenty-five cents per acre for the lands so claimed, located, and surveyed as aforesaid; and upon the death of any settler before the expiration of the two years' continued possession required by this act, all the rights of the deceased under this act shall descend to the heirs at law of such settler, including the widow, where one is left, in equal parts; and proof of compliance with the conditions of this act, up to the time of the death of such settler, shall be sufficient to entitle them to the patent. (a)

Patents to issue. SEC. 2. *And be it further enacted,* That upon the payment of money for lands as aforesaid to the said surveyor-general, he shall issue his certificate of such payment, together with an accurate copy of the survey of the land so located, and purchased, to the purchaser thereof, and upon the filing of which said certificate and copy of survey in the office of the Commissioner of the General Land Office, a patent shall issue therefor as in other cases.

Record of such payments to be made, and accounts rendered. SEC. 3. *And be it further enacted,* That it shall be the duty of the said surveyor-general to keep and preserve a record of all moneys so received, and to make out and transmit quarterly, to the Commissioner of the General Land Office, an accurate report of the moneys so received by him as aforesaid.

SEC. 4. *And be it further enacted*, That it shall be the duty of the said surveyor-general, immediately upon the taking effect of this act, to enter into security in the sum of fifty thousand dollars, conditioned for the safe-keeping of all moneys received by him as surveyor-general, according to law: *Provided, however*, That in order to compensate the surveyor-general of said Territory for the additional labors and responsibility imposed upon him by this act, in receiving, safe-keeping, paying over, and accounting for the moneys aforesaid, he shall receive two per centum on all such sums which shall include the payment for clerk hire, together with all costs and expenses incidental to such special services in any one year: *Provided*, The salary and per centage of said surveyor-general, and for clerk hire, shall not exceed four thousand dollars for any one year. (b)

Surveyor-general of Oregon to give bond.

Proviso.

His compensation increased by a per centage on such payments.
Limits of compensation.

SEC. 5. *And be it further enacted*, That the provisions of the act to which this is an amendment be and the same are hereby extended and continued in force until the first day of December, eighteen hundred and fifty-five.

Act of 1850, extended to Dec. 1, 1855.

SEC. 6. *And be it further enacted*, That every person entitled to the benefit of the fourth section of the act of which this is amendatory, who was resident in said Territory on or prior to the first of December, eighteen hundred and fifty, shall be and hereby is required to file with the surveyor-general of said Territory, in advance of the time when the public surveys shall be extended over the particular land claimed by him, where those surveys shall not have been made previous to the date of this act, a notice in writing, setting forth his claim to the benefits of said section, and citing all required particulars in reference to such settlement claim; and all persons failing to give such notice on or prior to the first of December, eighteen hundred and fifty-three, shall be thereafter debarred from ever receiving any benefit undersaid fourth section. And all persons who, on the first December, eighteen hundred and fifty-three, shall have settled on surveyed lands in said Territory, in virtue of the provisions of the fifth section of the act of which this is amendatory, who shall fail to give notice in writing of such settlement, specifying the particulars thereof to the surveyor-general of said Territory, on or prior to the first of April, eighteen hundred and fifty-five, shall be thereafter debarred from ever receiving the benefits of said fifth section. (a)

Notice to be given to entitled settlers in Oregon to the benefit of the act of 1850.

SEC. 7. *And be it further enacted*, That from and after the first of April, eighteen hundred and fifty-five, all public lands within the limits of the townships surveyed or to be surveyed in said Territory, west of the Cascade Mountains, which shall not have been claimed under the provisions of the fourth and fifth sections of the act of which this is amendatory, or reserved for public uses by law, or order of the President, and excepting also mineral lands, shall be subject to public sale and private entry as other public lands of the United States; (c) and so soon as he shall deem expedient, the President of the United States shall, by and with the advice and consent of the Senate, appoint a receiver of public moneys for the Territory of Oregon, west of the Cascade Mountains, who shall give bond and security, in the penalty of fifty thousand dollars, for the faithful discharge of his official trust, and whose duties, under the laws in relation to the public lands of the United States in said Territory, shall be the same as those of other like officers of the United States, and who shall be allowed not exceeding five hundred dollars per annum for the safe-keeping and accounting for the public moneys by him received, including all charges for office rent and clerk hire; and at such time as the President of the United States shall deem it expedient, he shall appoint, by and with the advice and consent of the Senate, a register of the land office for the Territory of Oregon, west of the Cascade Mountains, who shall enter into bond, with sufficient security, for the faithful discharge of his official duties, as other like officers, and whose duties and authority, under the direction of the Secretary of the Interior, shall be the same as those imposed by law on other like officers, consistently with the provisions of this act and of the act of which this is amendatory, and whose compensation shall be equal to that allowed to the receiver of public moneys to be appointed under this act; and until such register shall have been appointed, and entered upon the discharge of his official duties, the surveyor-general of Oregon shall perform all the duties which shall appertain to such office. (d)

Sale of the lands in Oregon west of the Cascade Mountains.

Receiver to be appointed. His pay and duties.

Register to be appointed. His pay and duties.

Until a register is appointed, the surveyor-general to perform his duties.

Rights of wid-
ows and heirs of
settlers in Oregon
under act of 1850.

SEC. 8. *And be it further enacted*, That each widow now residing in Oregon Territory, and such others as shall locate in said Territory, whose husband, had he lived, would have been entitled to a claim under the provisions of the act to which this is an amendment, shall be entitled, under the provisions and requirements of said act, to the same quantity of land that she would have been but for the death of her husband; and that in case of the death of the widow prior to the expiration of the four years' continued possession required by said act, to which this is an amendment, all the rights of the deceased shall inure unto and be vested in the heirs at law of such widow. (a)

Limit of amount
of reservations
made or to be
made under act of
1850.

SEC. 9. *And be it further enacted*, That all reservations heretofore, as well as hereafter, made in pursuance of the fourteenth section of the act to which this is an amendment, shall, for magazines, arsenals, dock-yards, and other needful public uses, except for forts, be limited to an amount not exceeding twenty acres for each and every of said objects at any one point or place, and for forts to an amount not exceeding six hundred and forty acres at any one point or place: *Provided*, That if it shall be deemed necessary, in the judgment of the President, to include in any such reservation the improvement of any settler made previous to such reservation, it shall, in such case, be the duty of the Secretary of War to cause the value of such improvements to be ascertained; and the amount so ascertained shall be paid to the party entitled thereto, out of any money in the Treasury not otherwise appropriated. (c)

Provision for
compensation
when land of a
settler is includ-
ed within a reser-
vation.

Surveyor-gen-
eral in Oregon
made subject to
act of 1844.

SEC. 10. *And be it further enacted*, That the said surveyor-general, in the discharge of his duties under this act, shall be subject to all the provisions of the act entitled "An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved August sixth, eighteen hundred and forty-six; and all acts and parts of acts in conflict with the provisions of this act be and the same are hereby repealed.

(a) See Nos. 2270, 2235, 2247, 2248, 2267, 2277.

(b) See Nos. 2230, 2234, 2235, 2239, 2278.

(c) See Nos. 2235, 2239, 2263, 2276, 2278.

(d) See Nos. 2235, 2236, 2237, 2252, 2270, 2274.

(e) See No. 2230.

March 3, 1853.
Vol. 10, p. 244.

No. 2234.—AN ACT to provide for the survey of public lands in California, the granting of pre-emption rights therein, and for other purposes.

Surveyor-gen-
eral of Oregon to
have a seal.

His attested
copies shall be
evidence.

His salary.

SEC. 11. *And be it further enacted*, That the Secretary of the Interior be and he is hereby authorized and required to cause to be provided for the office of the surveyor-general of Oregon, a seal, with such device as shall be deemed suitable, and copies of any papers on file in his office which may be authenticated by him under said seal shall be evidence in all cases in which the originals would be evidence, and from and after the passage of this act the salary of said surveyor shall be three thousand five hundred dollars per annum. (a)

(a) See Nos. 2230, 2233, 2235, 2239, 2278.

July 17, 1854.
Vol. 10, p. 305.

No. 2235.—AN ACT to amend the act approved September twenty-seven, eighteen hundred and fifty, to create the office of surveyor-general of the public lands in Oregon, etc., and also the act amendatory thereof, approved February nineteen [fourteenth] eighteen hundred and fifty-three.

Donations,
hereafter survey-
ed, not to include
town sites or
lands settled for
business or trade.

Be it enacted, f.c., That the donations hereafter to be surveyed in Oregon and Washington Territories, claimed under any of the provisions of the act to create the office of surveyor-general of the public lands in Oregon, etc., approved September twenty-seven, eighteen hundred and fifty, shall in no case include a town site, or lands settled upon for purposes of business or trade, and not for agriculture; and all legal subdivisions included in whole or in part in such town sites, or settled upon for purposes of business or trade, and not for agriculture, shall be subject to the operations of the act of May twenty-three, eighteen hundred and forty-four, "for the relief of citizens of towns upon lands of the United States, under certain circumstances," whether such settlements were made before or after the surveys: *Provided, however*, That the period of two years' occupancy required of settlers before they can purchase the lands claimed by them under the provisions of the first section of the act of February fourteen, eighteen hundred and fifty-three, above mentioned, shall be, and the same is hereby, reduced to one year.

Proviso: can
purchase after
one year's occu-
pancy.

SEC. 2. *And be it further enacted*, That the proviso to the fourth section of the act of twenty-seventh September, eighteen hundred and fifty, above mentioned, by which all contracts for the sale of lands claimed under that law, before the issue of the patents therefor, are declared void, shall be, and the same is hereby, repealed: *Provided*, That no sale shall be deemed valid, unless the vendor shall have resided four years upon the land. (a)

Part of fourth section of the act of 1850 repealed.

Proviso.

SEC. 3. *And be it further enacted*, That the preëmption privilege granted by the act of fourth September, eighteen hundred and forty-one, shall be, and the same is hereby extended to the lands in Oregon and Washington Territories, whether surveyed or unsurveyed, not rightfully claimed, entered, or reserved, under the provisions of this act, or the acts of which it is amendatory, nor excluded by the terms of the said act of eighteen hundred and forty-one, with the exception of unsurveyed lands as above mentioned; and all settlers on unsurveyed lands in said Territories shall give notice to the surveyor-general, or other duly authorized officer, of the particular tract claimed under this section, within six months after the survey of such lands is made and returned. (b) And all persons claiming donations under this act, or the acts of which it is amendatory, shall in like manner give notice to the surveyor-general, or other duly authorized officer, of the particular lands claimed as such donations, within thirty days after being requested to do so by such officer; and failing such notice in either case, the claimant or claimants shall forfeit all right and claim thereto: *Provided*, however, That the time limited by the sixth section of the act of eighteen hundred and fifty-three, in which claimants under the act of eighteen hundred and fifty are required to give notice of their claims, shall be, and the same is hereby extended to the first of December, eighteen hundred and fifty-five, except in cases where the surveyor-general shall request them so to do, as above provided. (a)

Pre-emption privilege of act, Sept. 4, 1841, extended to Oregon and Washington Territories.

Notice of claims; to whom and when to be given.

Proviso.

SEC. 4. *And be it further enacted*, That, in lieu of the two townships of land granted to the Territory of Oregon by the tenth section of the act of eighteen hundred and fifty, for universities, there shall be reserved to each of the Territories of Washington and Oregon two townships of land of thirty-six sections each, to be selected in legal subdivisions, for university purposes, under the direction of the legislatures of said Territories, respectively. (c)

Grants to Washington and Oregon for university.

SEC. 5. *And be it further enacted*, That in any case where orphans have been, or may be, left in either of the said Territories, whose parents, or either of them, if living, would have been entitled to a donation under this act, or either of those of which it is amendatory, said orphans shall be entitled to a quarter-section of land on due proof being made to the satisfaction of the surveyor-general, subject to the decision of the Secretary of the Interior. Said land to be set off to them by the surveyor-general in good agricultural land, not reserved, or otherwise appropriated, under any law of Congress; and, in case of the death of either or any of said orphans, after their lands shall have been designated by the surveyor-general, the right or rights of the deceased shall vest in the survivor or survivors. (a)

Land granted to orphans whose parents, if living, would be entitled to a donation.

How set off.

How vested in case of death.

SEC. 6. *And be it further enacted*, That all the provisions of this act, and the acts of which it is amendatory, shall be extended to all the lands in Oregon and Washington Territories; and, for the purpose of carrying said acts into effect in said Territories, the President shall be, and he is hereby, authorized to appoint a register and receiver for each of said Territories, whose powers, duties, obligations, and responsibilities, shall be the same as are now prescribed by law for other land officers and for the surveyor-general of Oregon, so far as they apply to such officers. They shall keep their offices at such place as the President shall, from time to time, direct; and their compensation shall be twenty-five hundred dollars each, per annum and office rent; but they shall be entitled to no fees or other emoluments of any kind whatsoever, except the receiver's actual and necessary expenses in depositing; and, on satisfactory proof that either of said officers, or any other officer, has charged or received fees or other rewards not authorized by law, he shall be forthwith removed from office. (d)

This act to be extended to lands in Oregon and Washington Territories.

Register and receiver to be appointed; their duties, powers, and compensation.

SEC. 7. *And be it further enacted*, That the Territory of Washington shall be erected into a separate surveying district, and the President of the United States is hereby authorized to appoint a surveyor-general for the same, who shall hold his office at such place as the President

Washington Territory made a surveying district.

Surveyor-general, how appointed; his powers, duties, and fees.

may direct, and the location thereof may be changed from time to time, if, in the judgment of the President, the public interest should require it, and the powers, duties, obligations, responsibilities, and emoluments of the said surveyor-general shall be the same as are now prescribed by law for the surveyor-general of Oregon. (c)

- (a) See Nos. 2230, 2233, 2247, 2248, 2267, 2277.
 (b) See Nos. 2233, 2239, 2263, 2276, 2278.
 (c) See Nos. 1864, 2230, 2240, 2243, 2245.
 (d) See Nos. 2233, 2236, 2247, 2252, 2270, 2274.
 (e) See Nos. 2230, 2233, 2234, 2239, 2278.

Feb. 17, 1855.
 Vol. 10, p. 609.

No. 2236.—AN ACT to establish an additional land district in the Territory of Oregon.

Additional land district in Oregon.

Be it enacted, &c., That all the land lying south of the fourth standard parallel, in the Territory of Oregon, be, and the same is hereby, created a new land district, to be called the Umpqua district; the land office for which shall be established at such place within said district as the President shall from time to time direct, and the officers for which shall be appointed in the same manner, and have the compensation, powers, duties, obligations and responsibilities, that are prescribed in the sixth section of the act approved July seventeen, eighteen hundred and fifty-four, entitled "An act to amend the act approved September twenty-seven, eighteen hundred and fifty, to create the office of surveyor-general of the public lands in Oregon," etc.: *Provided, however*, That this act shall not go into effect until three months after its passage.

Willamette land district.

SEC. 2. *And be it further enacted*, That the district lying north of the fourth standard parallel in said Territory shall be known as the Willamette land district. (a)

- (a) See Nos. 2233, 2235, 2237, 2252, 2270, 2274.

March 3, 1855.
 Vol. 10, p. 673.

No. 2237.—AN ACT making appropriations for the civil and diplomatic expenses of Government for the year ending the thirtieth of June, eighteen hundred and fifty-six, and for other purposes.

Register and receiver for Umpqua land district.

SEC. 21. *And be it further enacted*, * * * That the President be authorized to appoint, during the recess of Congress, to be nominated to the Senate for confirmation at the next session, the register and receiver of the land office for the Umpqua land district, in the Territory of Oregon, established by the act of February seventeenth, eighteen hundred and fifty-five, to take effect on the seventeenth of May, eighteen hundred and fifty-five. (a)

- (a) See Nos. 2233, 2235, 2236, 2252, 2270, 2274.

July 17, 1856.
 Vol. 11, p. 452.

No. 2238.—AN ACT to grant to L. Jane Horner and children a section of land in Oregon.

Grant of land in Oregon to L. Jane Horner and her children.

Be it enacted, &c., That one section, or six hundred and forty acres of land, in the Territory of Oregon, being the tract formerly in possession of Emanuel Horner, and on which his wife, L. Jane Horner, and her children now reside, be and the same is hereby granted to the said wife and children, in the following manner: the south half of said section to the said L. Jane Horner, in her own right, and the north half to her said children: *Provided*, It be shown to the satisfaction of the register and receiver in Oregon, with the approval of the Commissioner of the General Land Office, that the continued possession by the said L. Jane Horner has been such as, under the conditions of the act of twenty-seventh [of] September, eighteen hundred and fifty, in regard to settlement, would entitle her to a donation; and such as would have entitled the said Emanuel Horner to a donation had he remained in possession.

Proviso.

May 29, 1858.
 Vol. 11, p. 293.

No. 2239.—AN ACT for extending the land laws east of the Cascade Mountains, in Oregon and Washington Territories.

Existing land laws applied to lands in Oregon and Washington, east of Cascade Mountains.

Be it enacted, &c., That the existing laws relating to the survey (a) and disposal (b) of the public lands in the Territories of Oregon and Washington, west of the Cascade Mountains, be, and the same are hereby, extended and made applicable also to the lands lying east of said mountains within said Territories.

- (a) See Nos. 2230, 2233, 2234, 2235, 2278.
 (b) See Nos. 2230, 2233, 2235, 2237, 2248, 2263, 2267, 2276, 2277, 2278.

No. 2240.—AN ACT for the admission of Oregon into the Union.

Feb. 14, 1859.
Vol. 11, p. 383.

Whereas the people of Oregon have framed, ratified, and adopted a constitution of State government which is republican in form, and in conformity with the Constitution of the United States, and have applied for admission into the Union on an equal footing with the other States: Therefore—

Be it enacted, &c. That Oregon be, and she is hereby, received into the Union on an equal footing with the other States in all respects whatever, with the following boundaries: In order that the boundaries of the State may be known and established, it is hereby ordained and declared that the State of Oregon shall be bounded as follows, to wit: Beginning one marine league at sea due west from the point where the forty-second parallel of north latitude intersects the same; thence northerly, at the same distance from the line of the coast, lying west and opposite the State, including all islands within the jurisdiction of the United States, to a point due west and opposite the middle of the north ship channel of the Columbia River; thence easterly, to and up the middle channel of said river, and, where it is divided by islands, up the middle of the widest channel thereof, to a point near Fort Walla-Walla, where the forty-sixth parallel of north latitude crosses said river; thence east, on said parallel, to the middle of the main channel of the Shoshones or Snake River; thence up the middle of the main channel of said river, to the mouth of the Owyhee River; thence due south, to the parallel of latitude forty-two degrees north; thence west, along said parallel, to the place of beginning, including jurisdiction in civil and criminal cases upon the Columbia River and Snake River, concurrently with States and Territories of which those rivers form a boundary in common with this State.

SEC. 2. *And be it further enacted*, That the said State of Oregon shall have concurrent jurisdiction on the Columbia and all other rivers and waters bordering on the said State of Oregon so far as the same shall form a common boundary to said State, and any other State or States now or hereafter to be formed or bounded by the same; and said rivers and waters, and all the navigable waters of said State, shall be common highways and forever free, as well as to the inhabitants of said State as to all other citizens of the United States, without any tax, duty, impost, or toll therefor. (a)

SEC. 4. *And be it further enacted*, That the following propositions be, and the same are hereby, offered to the said people of Oregon for their free acceptance or rejection, which, if accepted, shall be obligatory on the United States and upon the said State of Oregon, to wit: *First*, That sections numbered sixteen and thirty-six in every township of public lands in said State, and where either of said sections, or any part thereof, has been sold or otherwise been disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to said State for the use of schools. (b) *Second*, That seventy-two sections of land shall be set apart and reserved for the use and support of a State university, to be selected by the governor of said State, subject to the approval of the Commissioner of the General Land Office, and to be appropriated and applied in such manner as the legislature of said State may prescribe for the purpose aforesaid, but for no other purpose. (c) *Third*, That ten entire sections of land, to be selected by the governor of said State, in legal subdivisions, shall be granted to said State for the purpose of completing the public buildings, or for the erection of others at the seat of government, under the direction of the legislature thereof. *Fourth*, That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to said State for its use, the same to be selected by the governor thereof within one year after the admission of said State, and when so selected, to be used or disposed of on such terms, conditions and regulations as the legislature shall direct: *Provided*, That no salt spring or land, the right whereof is now vested in any individual or individuals, or which may be hereafter confirmed or adjudged to any individual or individuals, shall by this article be granted to said State. (d) *Fifth*, That five per centum of the net proceeds of sales of all public lands lying within said State which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State, for the purpose of making public roads and internal improvements, as the legislature shall direct: *Pro-*

Preamble.

Oregon admitted.

Boundaries.

Concurrent jurisdiction on the Columbia and other rivers and waters forming a common boundary, &c.
Navigable rivers, &c., to be common highways.

Proposition to be submitted to popular vote.

School lands.
State university lands.

Lands for public buildings.

Salt springs and contiguous lands.

Provido.

Percentage on land sales.

Proviso: conditions on which propositions are offered.

United States property to be free from taxation. Proviso.

vided, That the foregoing propositions, hereinbefore offered, are on the condition that the people of Oregon shall provide by an ordinance, irrevocable without the consent of the United States, that said State shall never interfere with the primary disposal of the soil within the same by the United States, or with any regulations Congress may find necessary for securing the title in said soil to bona-fide purchasers thereof; and that in no case shall non-resident proprietors be taxed higher than residents. *Sixth*. And that the said State shall never tax the lands or the property of the United States in said State: *Provided, however*, That in case any of the lands herein granted to the State of Oregon have heretofore been confirmed to the Territory of Oregon for the purposes specified in this act, the amount so confirmed shall be deducted from the quantity specified in this act.

- (a) See No. 2228.
(b) See Nos. 1835, 2228, 2230, 2231, 2232, 2265.
(c) See Nos. 1864, 2230, 2233, 2243, 2245.
(d) See No. 2242.

March 12, 1860.
Vol. 12, p. 3.

No. 2241.—AN ACT to extend the provisions of "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits" to Minnesota and Oregon, and for other purposes.

[See MINNESOTA, No. 1861.]

June 16, 1860.
Vol. 12, p. 860.

No. 2241a.—AN ACT for the relief of the Missionary Society of the Methodist Episcopal Church.

\$20,000 to be paid for release of land claim, &c., in Oregon.

Be it enacted, &c., That there shall be paid, out of any money in the Treasury not otherwise appropriated, to the Missionary Society of the Methodist Episcopal Church the sum of twenty thousand dollars, upon filing in the proper Department a release to the United States, to be approved by the Attorney-General, of all claim to the land embraced within the limits of the military reservation at the Dalles, in Oregon Territory, and of all claim for damages for destruction of property on or near the said land by the United States troops or volunteers or Indians at any time anterior to the date of said release.

Dec. 17, 1860.
Vol. 12, p. 124.

Time for selecting salt springs, &c., in Oregon, extended.

No. 2242.—AN ACT to amend the fourth section of the act for the admission of Oregon into the Union, so as to extend the time for selecting salt springs and contiguous lands in Oregon.

Be it enacted, &c., That the time for selecting the salt springs and contiguous lands, according to the provisions of the fourth section of the act entitled "An act for the admission of Oregon into the Union," approved February fourteenth, eighteen hundred and fifty-nine, be extended to any time within three years from the passage of this act, anything in said section to the contrary notwithstanding. (a)

(a) See No. 2240.

March 2, 1861.
Vol. 12, p. 208.

No. 2243.—AN ACT donating to the States of Minnesota and Oregon certain lands reserved by Congress for the Territories of Minnesota and Oregon for university purposes.

[See MINNESOTA, No. 1864.]

July 15, 1862.
Vol. 12, p. 577.

No. 2244.—AN ACT to extend the provisions of the act of August four, eighteen hundred and fifty-two, entitled "An act to grant the right of way to all rail and plank roads, &c.," for the term of five years, and to amend the same.

Right of way granted to Oregon Steam Navigation Company.

SEC. 2. *And be it further enacted*, That the right of way for a railroad through the public lands of the United States lying in Wasco County, in the State of Oregon, be, and the same is hereby, granted to the Oregon Steam Navigation Company. (a)

(a) See Nos. 1873, 2250, 2255, 2258, 2261, 2262, 2263, 2269, 2272, 2275.

March 14, 1864.
Vol. 13, p. 28.

No. 2245.—AN ACT in relation to university lands in Washington Territory. [Certain selections and sales of university lands confirmed. See WASHINGTON TERRITORY, No. 2296.]

No. 2246.—AN ACT to authorize the President to negotiate a treaty with the Klamath, Modoc, and other Indian tribes in Southeastern Oregon.

March 25, 1864.
Vol. 13, p. 37.

Be it enacted, &c., That the President be, and he hereby is, authorized to conclude a treaty with the Klamath, Modoc, and Snake Indians in Southeastern Oregon for the purchase of the country occupied by them.

Treaties with
Indians in South
eastern Oregon.

SEC. 2. *And be it further enacted,* That for the purpose of carrying out the provisions of this act the sum of twenty thousand dollars be, and the same is hereby, appropriated from any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior. (a)

Appropriation.

(a) See Nos. 2229, 2276.

No. 2247.—AN ACT in reference to donation claims in Oregon and Washington.

April 29, 1864.
Vol. 13, p. 62.

Be it enacted, &c., That whenever it shall appear that two donation settlers in the State of Oregon or Washington Territory shall hold their continuous improvements in such a manner as may require a half quarter-section to be divided into two equal parts by a line north and south or east and west, it shall and may be lawful for the Commissioner of the General Land Office to issue patents recognizing for each claimant such subdivisions; this enactment to include cases existing at the date of this act, where the claim may be proved and established according to law. (a)

Subdivision of
donation claims
in Oregon and
Washington.

(a) See Nos. 2230, 2233, 2235, 2248, 2267, 2277.

No. 2248.—AN ACT to amend the act of Congress making donations to the settlers on the public lands in Oregon, approved September twenty-seven, eighteen hundred and fifty, and the acts amendatory thereto.

June 25, 1864.
Vol. 13, p. 184.

Be it enacted, &c., That in all cases under the act of Congress approved September twenty-seventh, eighteen hundred and fifty, entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands," and the several acts amendatory and supplemental thereto, in which the actual settlement may be shown to be bona fide, and the claim in all respects to be fully within the requirements of existing laws, except as to the failure of the party to file notice within the time fixed by statute, such failure shall not work forfeiture when no adverse rights intervene before the filing of the required notification by the claimant. (a)

Failing to file
notice in time,
not to work for-
feiture in certain
cases.

(a) See Nos. 2230, 2233, 2235, 2247, 2267, 2277.

No. 2249.—AN ACT granting lands to the State of Oregon, to aid in the construction of a military road from Eugene City to the eastern boundary of said State.

July 2, 1864.
Vol. 13, p. 355.

Be it enacted, &c., That there be, and hereby is, granted to the State of Oregon, to aid in the construction of a military wagon-road from Eugene City, by way of middle fork of Willamette River, and the most feasible pass in Cascade range of mountains, near Diamond Peak, to the eastern boundary of the State, alternate sections of public lands, designated by odd numbers, for three sections in width on each side of said road: *Provided,* That the lands hereby granted shall be exclusively applied in the construction of said road, and shall be disposed of only as the work progresses; and the same shall be applied to no other purpose whatever; *And provided further,* That any and all lands heretofore reserved to the United States by act of Congress, or other competent authority, be, and the same are, reserved from the operation of this act, except so far as it may be necessary to locate the route of said road through the same, in which case the right of way is granted.

Lands granted
to Oregon for a
military wagon-
road.

Lands to be
applied exclu-
sively in con-
structing such
road.
Lands hereto-
fore reserved ex-
cepted from this
act.

SEC. 2. *And be it further enacted,* That the said lands hereby granted to said State shall be disposed of by the legislature thereof for the purpose aforesaid, and for no other; and the said road shall be and remain a public highway for the use of the Government of the United States, free from tolls or other charge upon the transportation of any property, troops, or mails of the United States.

Lands granted
to be disposed of
by legislature,
&c.

SEC. 3. *And be it further enacted,* That said road shall be constructed with such width, graduation, and bridges, as to permit of its regular use as a wagon road, and in such other special manner as the State of Oregon may prescribe.

Width, grade,
&c., of road.

Mode of disposition of lands. SEC. 4. *And be it further enacted*, That the lands hereby granted to said State shall be disposed of only in the following manner, that is to say: that a quantity of land not exceeding thirty sections for said road may be sold; and when the governor of said State shall certify to the Secretary of the Interior that any ten continuous miles of said road are completed, then another quantity of land hereby granted, not to exceed thirty sections, may be sold, and so from time to time until said road is completed; and if said road is not completed within five years, no further sales shall be made, and the land remaining unsold shall revert to the United States. (a)

(a) See Nos. 2253, 2254, 2256, 2257, 2259, 2260, 2264, 2273.

July 2, 1864. Vol. 13, p. 365. **No. 2250.**—AN ACT granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget's Sound, on the Pacific coast, by the northern route.

[See MINNESOTA, No. 1873.]

July 2, 1864. Vol. 13, p. 373. **No. 2251.**—AN ACT for increased facilities of telegraph communication between the Atlantic and Pacific States and the Territory of Idaho.

[See NEBRASKA, No. 2097.]

July 3, 1866. Vol. 14, p. 82. **No. 1252.**—AN ACT to create an additional land district in the State of Oregon. *Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized to establish an additional land district in the State of Oregon, and to fix from time to time the boundaries thereof, which district shall be named after the place at which the office shall first be established; and the President shall be authorized hereafter,

Boundaries and locations of districts and offices may be changed. from time to time, as circumstances may require, to adjust the boundaries of any and all of the land districts in said State, and change the location of the land office from time to time when the same shall be expedient.

Register and receiver. Residence. Pay and fees. SEC. 2. *And be it further enacted*, That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof, and until the end of the next ensuing session, a register and receiver for said land district, who shall be required to reside at the site of the office, shall be subject to the same laws and responsibilities, and whose compensation and fees shall be respectively the same per annum, as are now allowed by law to other land officers in said State. (a)

(a) See Nos. 2233, 2235, 2236, 2237, 2270, 2274.

July 4, 1866. Vol. 14, p. 86. **No. 2253.**—AN ACT granting lands to the State of Oregon, to aid in the construction of a military road from Corvallis to the Acquinna Bay.

Lands granted to Oregon for a military road. *Be it enacted &c.*, That there be, and is hereby, granted to the State of Oregon, to aid in the construction of a military wagon-road from the town of Corvallis to the Acquinna Bay, three alternate sections per mile from the unoccupied public lands, designated by odd numbers, and not more than six miles from said road: *Provided*, That the lands hereby granted shall be exclusively applied in the construction of said road, and shall be disposed of only as the work progresses; and the same shall be applied to no other purposes whatever: *And provided further*, That any and all lands heretofore reserved to the United States by act of Congress, or other competent authority, be, and the same are, reserved from the operation of this act, except so far as it may be necessary to locate the route of said road through the same, in which case the right of way is granted.

Lands heretofore reserved not granted hereby. **Right of way.** **Lands, how to be disposed of.** SEC. 2. *And be it further enacted*, That the said lands hereby granted to said State shall be disposed of by the legislature thereof for the purpose aforesaid, and for no other; and the said road shall be and remain a public highway for the use of the Government of the United States, free from tolls or other charges upon the transportation of any property, troops, or mails of the United States.

Road to be a public highway, and free to the United States. **Construction of road.** SEC. 3. *And be it further enacted*, That said road shall be constructed with such gradation and bridges as to permit of its regular use as a wagon road, and in such other special manner as the State of Oregon may prescribe.

SEC. 4. *And be it further enacted*, That the lands hereby granted to said State shall be disposed of only in the following manner, that is to say: when the governor of said State shall certify to the Secretary of the Interior that any ten continuous miles of said road are completed, then a quantity of land hereby granted coterminous to said completed portion of said road, not to exceed thirty sections may be sold, and so from time to time until said road is completed; and if said road is not completed within five years, no further sales shall be made, and the land remaining unsold shall revert to the United States. (a)

(a) See Nos. 2249, 2254, 2256, 2257, 2259, 2260, 2264, 2273.

Lands, how to be disposed of.

Road to be completed in five years; if not, unsold lands to revert.

No. 2254.—AN ACT granting lands to the State of Oregon, to aid in the construction of a military road from Albany, Oregon, to the eastern boundary of said State.

July 5, 1866.
Vol. 14, p. 89.

Be it enacted, &c., That there be, and hereby is, granted to the State of Oregon, to aid in the construction of a military wagon-road from Albany, Oregon, by way of Canyon City, and the most feasible pass in Cascade range of mountains, to the eastern boundary of the State alternate sections of public lands, designated by odd numbers, three sections per mile, to be selected within six miles of said road: *Provided*, That the lands hereby granted shall be exclusively applied in the construction of said road, and shall be disposed of only as the work progresses; and the same shall be applied to no other purpose whatever: *And provided, further*, That any and all lands heretofore reserved to the United States by act of Congress or other competent authority be, and the same are, reserved from the operation of this act, except so far as it may be necessary to locate the route of said road through the same, in which case the right of way is granted, subject to the approval of the President of the United States.

Lands granted to Oregon for military wagon-road.
Route of road.

Lands granted, how to be applied.

Lands heretofore reserved, not granted hereby.
Right of way.

SEC. 2. *And be it further enacted*, That the said lands hereby granted to said State shall be disposed of by the legislature thereof for the purpose aforesaid, and for no other; and the said road shall be and remain a public highway for the use of the Government of the United States, free from tolls or other charge upon the transportation of any property, troops, or mails of the United States.

Lands, how to be disposed of.

Roads to be public highway, and free to the United States.

SEC. 3. *And be it further enacted*, That said road shall be constructed with such width, graduation, and bridges, as to permit of its regular use as a wagon road, and in such other special manner as the State of Oregon may prescribe.

Construction of road.

SEC. 4. *And be it further enacted*, That the lands hereby granted to said State shall be disposed of only in the following manner, that is to say: that when ten miles of said road shall be completed, a quantity of land not exceeding thirty sections for said road may be sold coterminous to said completed portion of said road; and when the governor of said State shall certify to the Secretary of the Interior that any ten continuous miles of said road are completed, then another quantity of land hereby granted, not to exceed thirty sections, may be sold, coterminous to said completed portion of said road, and so from time to time until said road is completed; and if said road is not completed within five years, no further sales shall be made, and the land remaining unsold shall revert to the United States. (a)

Lands, how to be disposed of.

If road not completed in five years, unsold lands to revert to the United States.

(a) See Nos. 2264, 2249, 2253, 2256, 2257, 2259, 2260, 2273.

No. 2255.—AN ACT granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon.

July 25, 1866.
Vol. 14, p. 239.

[See CALIFORNIA, No. 2372.]

No. 2256.—AN ACT to amend an act entitled "An act granting lands to the State of Oregon to aid in the construction of a military road from Eugene City to the eastern boundary of said State."

Dec. 26, 1866.
Vol. 14, p. 374.

Be it enacted, &c., That an act entitled "An act granting lands to the State of Oregon, to aid in the construction of a military road from Eugene City to the eastern boundary of said State," be amended as follows: That there be, and is hereby, granted to said State, for the purposes aforesaid, such odd sections or parts of odd sections not reserved

Deficiency in former land grant to Oregon, caused by lands sold or reserved, &c., made up.

Lands, how to be selected.

or otherwise legally appropriated, within six miles on each side of said road, to be selected by the surveyor-general of said State, as shall be sufficient to supply any deficiency in the quantity of said grant as described, occasioned by any lands sold or reserved, or to which the rights of pre-emption or homestead have attached, or which for any reason were not subject to said grant within the limits designated in said act. (a)

(a) See Nos. 2249, 2253, 2254, 2257, 2259, 2260, 2264, 2273.

Feb. 25, 1867.
Vol. 14, p. 409.

No. 2257.—AN ACT granting lands to the State of Oregon to aid in the construction of a military wagon-road from Dalles City, on the Columbia River, to Fort Boise, on the Snake River.

Grant of land to Oregon for a military wagon-road, &c.
Extent of grant.

Lands granted, how to be applied.

Reservations.

Right of way over lands reserved.

Mineral lands not included in grant.

Lands granted, how only to be disposed of.

Road to be a public highway, and free to the United States.

Road, how to be constructed.

Additional public lands may be used in the construction of the road.

Lands granted, how to be disposed of.

To revert to the United States, unless, &c.

Lands granted to be surveyed.

Be it enacted, &c., That there be, and hereby is, granted to the State of Oregon, to aid in the construction of a military wagon-road from Dalles City, on the Columbia River, by way of Camp Watson, Canon City, and Mormon or Humboldt Basin, to a point on Snake River opposite Fort Boise, in Idaho Territory, alternate sections of public lands, designated by odd numbers, to the extent of three sections in width on each side of said road: *Provided*, That the lands hereby granted shall be exclusively applied to the construction of said road, and to no other purpose; and shall be disposed of only as the work progresses: *And provided further*, That any and all lands heretofore reserved to the United States, or otherwise appropriated by act of Congress or other competent authority, be, and the same are hereby, reserved from the operation of this act, except so far as it may be necessary to locate the route of said road through the same, in which case the right of way to the width of one hundred feet is granted: *And provided further*, That the grant hereby made shall not embrace any mineral lands of the United States.

SEC. 2. *And be it further enacted*, That the lands hereby granted to said State shall be disposed of by the legislature thereof for the purpose aforesaid, and for no other; and the said road shall be and remain a public highway for the use of the Government of the United States, free from tolls or other charges upon the transportation of any property, troops, or mails of the United States.

SEC. 3. *And be it further enacted*, That said road shall be constructed with such width, gradation, and bridges as to permit of its regular use as a wagon road, and in such other special manner as the State of Oregon may prescribe.

SEC. 4. *And be it further enacted*, That the State of Oregon is authorized to locate and use in the construction of said road an additional amount of public lands, not previously reserved to the United States nor otherwise disposed of, and not exceeding ten miles in distance from it, equal to the amount reserved from the operation of this act in the first section of the same, to be selected in alternate odd sections as provided in section first of this act.

SEC. 5. *And be it further enacted*, That lands hereby granted to said State shall be disposed of only in the following manner, that is to say: when the governor of said State shall certify to the Secretary of the Interior that ten continuous miles of said road are completed, then a quantity of the land hereby granted, not to exceed thirty sections, may be sold, and so on from time to time until said road shall be completed; and if said road is not completed within five years, no further sales shall be made, and the lands remaining unsold shall revert to the United States.

SEC. 6. *And be it further enacted*, That the United States surveyor-general for the district of Oregon shall cause said lands so granted to be surveyed at the earliest practicable period after said State shall have enacted the necessary legislation to carry this act into effect. (a)

(a) See Nos. 2249, 2253, 2254, 2256, 2259, 2260, 2264, 2273.

June 25, 1868.
Vol. 15, p. 80.

No. 2258.—AN ACT to amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon."

[See CALIFORNIA, No. 2378.]

No. 2259.—AN ACT to amend an act entitled "An act granting lands to the State of Oregon to aid in the construction of a military road from Eugene City to the eastern boundary of said State."

March 3, 1869.
Vol. 15, p. 338.

Whereas by an act granting lands to the State of Oregon to aid in the construction of a military road from Eugene City to the eastern boundary of said State, approved July second, eighteen hundred and sixty-four, and whereas the time designated for the completion of said road expires on the second day of July, eighteen hundred and sixty-nine: Therefore,

Preamble.

Be it enacted, &c., That the time for the completion of said road be, and hereby is, extended to the second day of July, eighteen hundred and seventy-two. (a)

Time for completion of road extended.

(a) See Nos. 2249, 2253, 2254, 2256, 2257, 2260, 2264, 2273.

No. 2260.—AN ACT granting lands to the State of Oregon to aid in the construction of a military wagon-road from the navigable waters of Coos Bay to Roseburg in said State.

March 3, 1869.
Vol. 15, p. 340.

Be it enacted, &c., That there be, and hereby is, granted to the State of Oregon, to aid in the construction of a military wagon-road from the navigable waters of Coos Bay to Roseburg, alternate sections of public lands, designated by odd numbers, to the extent of three sections in width on each side of said road: *Provided*, That the lands hereby granted shall be exclusively applied to the construction of said road and to no other purpose, and shall be disposed of only as the work progresses: *Provided further*, That the grant of lands hereby made shall be upon the condition that the lands shall be sold to any one person only in quantities not greater than one quarter-section, and for a price not exceeding two dollars and fifty cents per acre: *And provided further*, That any and all lands heretofore reserved to the United States, or otherwise appropriated by act of Congress or other competent authority, be, and the same are hereby, reserved from the operation of this act, except so far as it may be necessary to locate the route of said road through the same, in which case the right of way to the width of one hundred feet is granted: *And provided further*, That the grant hereby made shall not embrace any mineral lands of the United States, or any lands to which homestead or pre-emption rights have attached.

Land grant to Oregon for military wagon-road from Coos Bay to Roseburg.

Lands granted, how to be applied and disposed of. Conditions of grant.

Lands heretofore reserved not included in this grant, except right of way.

Mineral lands, &c., not embraced.

SEC. 2. *And be it further enacted*, That the lands hereby granted to said State shall be disposed of by the legislature thereof for the purpose aforesaid, and for no other; and the said road shall be and remain a public highway for the use of the Government of the United States, free from tolls or other charges upon the transportation of any property, troops, or mails of the United States.

Lands granted not to be disposed of for other purposes.

Road to be a public highway and free from tolls to the United States.

SEC. 3. *And be it further enacted*, That said road shall be constructed with such width, graduation, and bridge as to permit of its regular use as a wagon road, and in such other special manner as the State of Oregon may prescribe.

Construction of road.

SEC. 4. *And be it further enacted*, That the State of Oregon is authorized to locate and use in the construction of said road an additional amount of public lands, not previously reserved to the United States nor otherwise disposed of, and not exceeding six miles in distance from it, equal to the amount reserved from the operation of this act in the first section of the same, to be selected in alternate odd sections, as provided in section first of this act.

Oregon may use in the construction of the road an additional amount of public lands not, &c.

SEC. 5. *And be it further enacted*, That lands hereby granted to said State shall be disposed of only in the following manner, that is to say, when the governor of said State shall certify to the Secretary of the Interior that ten continuous miles of said road are completed, then a quantity of the land hereby granted, not to exceed thirty sections, may be sold, and so on from time to time, until said road shall be completed; and if said road is not completed within five years no further sale shall be made, and the lands remaining unsold shall revert to the United States: *Provided, however*, That the entire amount of public land granted by this act shall not exceed three sections per mile for each mile actually constructed.

Lands granted, how only to be disposed of.

Road to be completed within five years; if not, then, &c.

Whole grant not to exceed, &c.

SEC. 6. *And be it further enacted*, That the United States surveyor-general for the district of Oregon shall cause said lands, so granted, to be surveyed at the earliest practicable period after said State shall have enacted the necessary legislation to carry this act into effect. (a)

Lands granted to be surveyed at earliest practicable period after, &c.

(a) See Nos. 2249, 2253, 2254, 2256, 2257, 2259, 2264, 2273.

April 10, 1869.
Vol. 16, p. 47.

No. 2261.—AN ACT to amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad in California, to Portland, in Oregon," approved July twenty-five, eighteen hundred and sixty-six.

[See CALIFORNIA, No. 2381.]

April 10, 1869.
Vol. 16, p. 57.

No. 2262.—JOINT RESOLUTION granting right of way for the construction of a railroad from a point at or near Portland, Oregon, to a point west of the Cascade Mountains, in Washington Territory.

Northern Pacific Railroad Company may extend its branch line from Portland to Puget Sound, and connect same with its main line west of the Cascade Mountains.

Provisos.

Be it resolved, &c., That the Northern Pacific Railroad Company be, and hereby is, authorized to extend its branch line from a point at or near Portland, Oregon, to some suitable point on Puget Sound, to be determined by said company, and also to connect the same with its main line west of the Cascade Mountains, in the Territory of Washington; said extension being subject to all the conditions and provisions, and said company in respect thereto being entitled to all the rights and privileges conferred by the act incorporating said company, and all acts additional to and amendatory thereof: *Provided,* That said company shall not be entitled to any subsidy in money, bonds, or additional lands of the United States, in respect to said extension of its branch line as aforesaid, except such lands as may be included in the right of way on the line of such extension as it may be located: *And provided further,* That at least twenty-five miles of said extension shall be constructed before the second day of July, eighteen hundred and seventy-one, and forty miles per year thereafter until the whole of said extension shall be completed. (a)

(a) See Nos. 1873, 2244, 2250, 2255, 2258, 2261, 2263, 2269, 2272, 2275.

May 4, 1870.
Vol. 16, p. 94.

No. 2263.—AN ACT granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinville, in the State of Oregon.

Land grant to Oregon Central Railroad Company.

Right of way and to take materials.

Lands for depots, &c.

Alternate sections, except, &c.

Lands to be selected to make up deficiency.

Lands on line of road to be surveyed.

When to be separated from public lands.

Remaining lands to be sold at double the minimum price. Homestead exemption.

Be it enacted, &c., That for the purpose of aiding in the construction of a railroad and telegraph line from Portland to Astoria, and from a suitable point of junction near Forest Grove to the Yamhill River, near McMinville, in the State of Oregon, there is hereby granted to the Oregon Central Railroad Company, now engaged in constructing the said road, and to their successors and assigns, the right of way through the public lands of the width of one hundred feet on each side of said road, and the right to take from the adjacent public lands materials for constructing said road, and also the necessary lands for depots, stations, side-tracks, and other needful uses in operating the road, not exceeding forty acres at any one place; and, also, each alternate section of the public lands, not mineral, excepting coal or iron lands, designated by odd numbers nearest to said road, to the amount of ten such alternate sections per mile, on each side thereof, not otherwise disposed of or reserved or held by valid pre-emption or homestead right at the time of the passage of this act. And in case the quantity of ten full sections per mile cannot be found on each side of said road, within the said limits of twenty miles, other lands designated as aforesaid shall be selected under the direction of the Secretary of the Interior on either side of any part of said road nearest to and not more than twenty-five miles from the track of said road to make up such deficiency. (a)

SEC. 2. *And be it further enacted,* That the Commissioner of the General Land Office shall cause the lands along the line of the said railroad to be surveyed with all convenient speed. And whenever and as often as the said company shall file with the Secretary of the Interior maps of the survey and location of twenty or more miles of said road, the said Secretary shall cause the said granted lands adjacent to and coterminous with such located sections of road to be segregated from the public lands; and thereafter the remaining public lands, subject to sale within the limits of the said grant, shall be disposed of only to actual settlers at double the minimum price for such lands: *And provided also,* That settlers under the provisions of the homestead act who comply with the terms and requirements of said act, shall be entitled, within the said limits of twenty miles, to patents for an amount not exceeding eighty acres each of the said ungranted lands, anything in this act to the contrary notwithstanding. (b)

SEC. 3. *And be it further enacted*, That whenever and as often as the Patents for lands, when and how to be issued to company.
said company shall complete and equip twenty or more consecutive miles of the said railroad and telegraph, the Secretary of the Interior shall cause the same to be examined, at the expense of the company, by three commissioners appointed by him; and if they shall report that such completed section is a first-class railroad and telegraph, properly equipped and ready for use, he shall cause patents to be issued to the company for so much of the said granted lands as shall be adjacent to and coterminous with the said completed [completed] sections.

SEC. 4. *And be it further enacted*, That the said alternate sections of The granted lands to be sold only to actual settlers, in what quantities and at what price.
land granted by this act, excepting only such as are necessary for the company to reserve for depots, stations, side tracks, wood-yards, standing-ground, and other needful uses in operating the road, shall be sold by the company only to actual settlers, in quantities not exceeding one hundred and sixty acres or a quarter-section to any one settler, and at prices not exceeding two dollars and fifty cents per acre.

SEC. 5. *And be it further enacted*, That the said company shall, by Net proceeds of sales of granted lands to be set apart as a sinking-fund for the purchase of certain bonds.
mortgage or deed of trust to two or more trustees, appropriate and set aside all the net proceeds of the sales of the said granted lands, as a sinking-fund, to be kept invested in the bonds of the United States, or other safe and more productive securities, for the purchase from time to time, and the redemption at maturity, of the first-mortgage construction bonds of the company, on the road depots, stations, side-tracks, and wood-yards, not exceeding thirty thousand dollars per mile of road, payable in gold coin not longer than thirty years from date, with interest payable semi-annually in coin not exceeding the [rate] of seven per centum per annum; and no part of the principal or interest of the said fund shall be applied to any other use until all the said bonds shall have been purchased or redeemed and cancelled; and each of the said first-mortgage bonds shall bear the certificate of the trustees, setting forth the manner in which the same is secured and its payment provided for. And the district court of the United States, concurrently with the State courts, shall have original jurisdiction, subject to appeal and writ of error, to enforce the provisions of this section. Bonds and interest, how payable.

SEC. 6. *And be it further enacted*, That the said company shall file with the Secretary of the Interior its assent to this act within one year from the time of its passage; and the foregoing grant is upon condition that Sinking-fund to be used only for, &c.
said company shall complete a section of twenty or more miles of said railroad and telegraph within two years, and the entire railroad and telegraph within six years, from the same date. (a) Bonds to bear certificate of trustees. What courts may enforce this provision.

(a) See Nos. 1873, 2244, 2250, 2255, 2258, 2261, 2262, 2269, 2272, 2275.

(b) See Nos. 2233, 2235, 2239, 2276, 2278.

No. 2264.—AN ACT to amend an act entitled "An act granting lands to the State of Oregon to aid in the construction of a military wagon-road from Albany, Oregon, to the eastern boundary of said State."

July 15, 1870.
Vol. 16, p. 363.

Be it enacted, &c., That an act entitled "An act granting lands to the State of Oregon to aid in the construction of a military road from Albany, Oregon, to the eastern boundary of said State," be amended so as to strike out the words "by way of Canyon City" in the first section of said act, and insert instead thereof the words "by way of Camp Harney." (a) Route of certain military road in Oregon to be by way of Camp Harney.

(a) See Nos. 2249, 2253, 2254, 2256, 2257, 2259, 2260, 2273.

No. 2265.—JOINT RESOLUTION relative to school lands in the State of Oregon.

Feb. 9, 1871.
Vol. 16, p. 595.

Be it resolved, &c., That Congress hereby assents to the application of the five hundred thousand acres of land granted to the State of Oregon by the act of Congress approved September four, eighteen hundred and forty-one, to the support of common schools, as provided in section two, article eight, of the constitution of said State: *Provided*, That nothing herein shall influence the construction or effect of the act admitting said State into the Union as to said application. (a) Assent of Congress to the application for schools by Oregon, in its constitution, of the lands granted to said State.

(a) See Nos. 1835, 2228, 2230, 2231, 2232, 2240.

No. 2266.—AN ACT to provide for the disposition of useless military reservations.

Feb. 24, 1871.
Vol. 16, p. 430.

[SECTION 1 provides for sale of military reservation at Fort Lane, Oregon, &c. See WASHINGTON TERRITORY, No. 2305.]

- Dalles City may use the water of Mill Creek. SEC. 2. *And be it further enacted*, That the right is hereby granted to Dalles City to have and use the waters of Mill Creek flowing through the military reservation of Fort Dalles, Oregon, and the right of way to convey the same through said reservation for the purposes of supplying Dalles City with water and for manufacturing purposes.
- May extend Liberty street southerly. SEC. 3. *And be it further enacted*, That permission is granted to the incorporated authorities of Dalles City to extend Liberty street southerly, on the line of the same, through said reservation, and [that] the land lying east thereof be, and the same is, granted to said Dalles City, in fee, upon the payment to the United States therefor [of] the sum of five dollars per acre.
- Grant of land. SEC. 4. *And be it further enacted*, That the land hereby granted to said city shall be surveyed under the direction of the surveyor-general for the State of Oregon upon application to him made by the mayor of said city; and the expenses of such survey shall be paid by said Dalles City. (a)
- Land to be surveyed. (a) See No. 2278.
- Expenses of survey.

- March 3, 1871. Vol. 16, p. 5c3. No. 2267.—AN ACT to extend the benefits of the donation law of September twenty-seven, eighteen hundred and fifty, to certain persons.
- Bona-fide settlers upon the lands of Puget Sound Agricultural Company entitled to benefit of act. *Be it enacted &c.*, That all persons who, at the time of settlement, possessed the qualifications prescribed in the fourth and fifth sections of "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands," approved September twenty-seven, eighteen hundred and fifty, and who made bona-fide settlement upon the lands claimed by the Puget Sound Agricultural Company, in Washington Territory, within the time limited for settlement by said act and the amendments thereto, shall be, and are hereby declared to be, entitled to all the privileges and benefits of said act and amendments.
- Privileges extended to their heirs and assigns. SEC. 2. That the rights and privileges of heirs and assigns under the said donation law, and the amendments thereto, shall be, and are hereby, extended to the heirs and assigns of the settlers named in the first section of this act. (a)
- (a) See Nos. 2230, 2233, 2235, 2247, 2248, 2277.

- March 3, 1871. Vol. 16, p. 695. No. 2268.—AN ACT for the relief of Blessington Rutledge.
- Patent for land to issue to Blessington Rutledge. *Be it enacted, &c.*, That the Commissioner of the General Land Office shall cause a patent to issue to Blessington Rutledge for that certain tract of land known on the maps of commissioner's office as "notification number six thousand five hundred and thirty-four, Levi Linder," claim number forty-two in section thirty-six, township eighteen south, range two west, and claim thirty-nine in section one, township nineteen south, range two west of the Willamette meridian, in the State of Oregon, containing three hundred and twenty and twenty-five one-hundredths acres, upon proof of four years' residence, as required by the donation law, being furnished by said Blessington Rutledge to the register of the land office at Roseburg, Oregon.

- April 12, 1872. Vol. 17, p. 52. No. 2269.—AN ACT granting the right of way through the public lands for the construction of a railroad from Great Salt Lake to Portland, Oregon.
- Right of way granted to the Portland, Dalles, and Salt Lake Railroad Company for railroad and telegraph, with land for depots, &c. *Be it enacted, &c.*, That for the purpose of aiding in the construction of a railroad and telegraph line from Portland, in the State of Oregon, by the way of Dalles City, to some suitable point on the Union Pacific or Central Pacific Railroad in the vicinity of Salt Lake, not further east than Green River, with a branch from a suitable point west of the Blue Mountains to a suitable point in Walla-Walla Valley, there are hereby granted to the Portland, Dalles, and Salt Lake Railroad Company, organized under articles of incorporation filed in the office of the secretary of state of Oregon on the twenty-fifth day of March, anno Domini eighteen hundred and seventy-one, and to their successors and assigns, a strip of land one hundred feet wide on each side of the centre line of said road, and the necessary lands for depots, stations, side-tracks, and other needful uses in operating said road and telegraph, not exceeding

forty acres at any one place: *Provided*, That the locations for depots, stations, and side-tracks shall not exceed for the whole line of said road more than one location of forty acres for every ten miles of the same, and when made upon surveyed lands shall conform to the Government surveys thereof.

SEC. 2. That said company shall, within six months after the location of any section of twenty miles or more of their said road, if the same be upon surveyed land, and if upon unsurveyed land, then within six months after the survey thereof by the United States, file a plat of such located section, together with proof thereof, with the register of the land office for the district wherein said located section may be situated, and upon approval thereof the same shall be noted upon the township plats in said office, and thereafter all lands over which the said line of road shall pass shall be sold, located, or disposed of by the United States, subject to such right of way so located as aforesaid: *Provided*, That the line of said road shall be located within three years after the passage of this act: *And provided further*, That said road shall be completed within ten years thereafter. (a)

(a) See Nos. 1873, 2244, 2250, 2255, 2258, 2261, 2262, 2263, 2272, 2275.

No. 2270.—AN ACT to create the Linkton land district, in the State of Oregon.

April 24, 1872.
Vol. 17, p. 53.

Be it enacted, &c., That all that portion of the State of Oregon lying south of the fourth standard parallel south of the base-line, between townships eighteen and nineteen south, and east of the meridian line between ranges five and six in said State, shall constitute an additional land district, to be called the Linkton district; and the office of said district shall be located at Linkville, subject to be changed by the President of the United States as the public interests may require.

Linkton land district in Oregon established.

Office.

SEC. 2. That the President be, and he is hereby, authorized to appoint, in accordance with existing laws authorizing appointments to office, a register and a receiver for the district hereby created, who shall each be required to reside at the site of the office for said district, have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties which are or may be prescribed by law in relation to other land officers of the United States for the State of Oregon. (a)

Register and receiver.

Their residence, pay, duties, &c.

SEC. 3. That all sales and locations made at the offices of the district in which the lands embraced in this district have hitherto been included, situate within the limits of this district, which shall be valid and right in other respects up to the day on which the new office shall go into operation, be, and the same are hereby confirmed.

Certain sales and locations confirmed.

(a) See Nos. 2233, 2235, 2236, 2237, 2252, 2274.

No. 2271.—AN ACT amendatory of an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agricultural and mechanical arts," passed July second, eighteen hundred and sixty-two, and acts amendatory thereto.

June 4, 1872.
Vol. 17, p. 217.

Be it enacted, &c., That the lands granted to the State of Oregon, for the establishment of an agricultural college, by act of Congress of July second, eighteen hundred and sixty-two, and acts amendatory thereto, may be selected by said State from any lands within said State subject to homestead or pre-emption entry under the laws of the United States; and in any case where land is selected by the State, the price of which is fixed by law at the double minimum of two dollars and fifty cents per acre, such land shall be counted as double the quantity toward satisfying the grant.

Lands granted to Oregon for an agricultural college may be selected from what.

If the price of the land selected is \$2.50 per acre, such land to count double.

SEC. 2. That any such selections already made by said State, and the lists duly filed in the proper district land office, be, and the same are hereby, confirmed, except so far as they may conflict with any adverse legal right existing at the passage of this act: *Provided, however*, That the State shall not receive more than ninety thousand acres, the quantity granted by the act of July second, eighteen hundred and sixty-two: *Provided also*, That such lands shall not be sold by said State for less than two dollars and fifty cents per acre; and where settlement is made upon the same, preference in all cases shall be given to actual settlers at the price for which said lands may be offered.

Selections already made, confirmed, except, &c.

Provisions.

Preference to actual settlers.

March 3, 1873.
Vol. 17, p. 612.

No. 2272.—AN ACT supplemental to an act entitled "An act granting the right of way through the public lands for the construction of a railroad from Great Salt Lake to Portland, Oregon," approved April twelfth, eighteen hundred and seventy-two.

Be it enacted, &c., That the Portland, Dalles and Salt Lake Railroad Company shall have the right to take from the public lands of the United States, timber, stone, and other material, necessary for the construction of its road.

SEC. 2. That this act shall at all times be subject to amendment or repeal by Congress. (a)

(a) See Nos. 1873, 2244, 2250, 2255, 2258, 2261, 2262, 2263, 2269, 2275.

June 18, 1874.
Vol. 18, p. 80.

Preamble.

No. 2273.—AN ACT to authorize the issuance of patents for lands granted to the State of Oregon in certain cases.

Whereas certain lands have heretofore, by acts of Congress, been granted to the State of Oregon to aid in the construction of certain military wagon-roads in said State, and there exists no law providing for the issuing of formal patents for said lands: Therefore,

Be it enacted, &c., That in all cases when the roads in aid of the construction of which said lands were granted are shown by the certificate of the governor of the State of Oregon, as in said acts provided, to have been constructed and completed, patents for said lands shall issue in due form to the State of Oregon as fast as the same shall, under said grants, be selected and certified, unless the State of Oregon shall by public act have transferred its interests in said lands to any corporation or corporations, in which case the patents shall issue from the General Land Office to such corporation or corporations upon their payment of the necessary expenses thereof: *Provided*, That this shall not be construed to revive any land grant already expired nor to create any new rights of any kind except to provide for issuing patents for lands to which the State is already entitled. (a)

Patents to issue for lands granted for construction of wagon roads in Oregon.

Proviso.

(a) See Nos. 2249, 2253, 2254, 2256, 2257, 2259, 2260, 2264.

Jan. 11, 1875.
Vol. 18, p. 294.

No. 2274.—AN ACT to create an additional land district in the State of Oregon, to be called The Dalles land district.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to establish an additional land district in the State of Oregon, which district shall be bounded as follows, viz: Commencing on the Columbia River at the intersection of the range line, between ranges eight and nine east, thence south on said range line to the fourth standard parallel, which is the north boundary of the Linkton land district; thence east on said parallel to range twenty-seven east; thence north on range line between ranges twenty-six and twenty-seven to the Columbia River; thence down said river to the place of beginning, comprising all that land in Oregon situate north of the Linkton land district and between ranges eight and twenty-seven east of the Willamette meridian. Said district, as above bounded, shall be known and designated as The Dalles district; and the office of

Land office at The Dalles.

Location may be changed.

Register and receiver.

Sale of lands in The Dalles district.

Sales at former land office confirmed.

SEC. 2. That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof, a register and a receiver for the district hereby created, who shall each reside in the place where said land office is located, and shall have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties, which are, or may be, prescribed by law in relation to other land officers in said State.

SEC. 3. That the public lands in said district shall be subject to sale and disposal upon the same terms and conditions as other public lands of the United States: *Provided*, That all sales and locations made at the office of the old district of lands situated within the limits of the new district, which shall be valid and right in other respects, up to the day on which the new office shall go into operation, be, and the same are hereby, confirmed. (a)

(a) See Nos. 2233, 2235, 2236, 2237, 2252, 2270.

No. 2275.—AN ACT granting the right of way and depot grounds to the Oregon Central Pacific Railway Company through the public lands of the United States, from Winnemucca, in the State of Nevada, to the Columbia River, via Portland, in the State of Oregon.

Feb. 5, 1875.
Vol. 18, p. 306.

Be it enacted, &c., That for the purpose of aiding in the construction of a railway and telegraph line from a point at or near Winnemucca, on the Central Pacific Railroad, in the State of Nevada; thence northwesterly to and across Goose Lake Valley, and by way of Sprague River Valley, to the waters of the Middle Fork of the Willamette River, in the Cascade Mountains; thence down said river, on the north side, to Springfield; thence crossing to and continuing upon the west side of said river to the waters of the Columbia River, via Portland, Oregon, there is hereby granted to the Oregon Central Pacific Railway Company, organized under and by virtue of the laws of the State of Oregon on the sixteenth day of September, eighteen hundred and seventy-four, and to their successors and assigns, a strip of land, one hundred feet wide, on each side of the central line of said road, through the public lands, and the necessary lands for depots, stations, side-tracks, and other needful uses in operating said road and telegraph, not exceeding twenty acres at any one place: *Provided*, That the locations for depots, stations, and side-tracks shall not exceed for the whole line of said road more than one location of twenty acres for every ten miles of the same, and when made upon surveyed lands shall conform to the Government surveys thereof: *And provided further*, That the State or States, within the limits of which said road or any part thereof shall be hereafter situated, shall have the power to regulate and limit the cost of transportation of persons or freight over the same.

Grant of right of way and depot grounds to Oregon Central Pacific Railway Company.

Limitation of grant for depot grounds, &c.

Power of States to regulate cost of transportation.

SEC. 2. That said company shall, within six months after the location of any section of twenty miles or more of their said road, if the same be upon surveyed lands, and if upon unsurveyed lands, then within six months after the survey thereof by the United States, file a plat of such located section, together with proof thereof, with the register of the land office for the district wherein said located section may be situated, and upon approval thereof the same shall be noted upon the township plats in said office; and thereafter all lands over which the line of said road shall pass shall be sold, located, or disposed of by the United States, subject to such right of way so located as aforesaid: *Provided*, That the line of said road shall be completed within ten years thereafter: *Provided further*, That this act shall not take effect on any lands to which any bona-fide preëmption or homestead claim has attached before the definite location of the line of road, and the notice of the same has been given to the land office in the district where the same is located.

Plat and proof of located sections of twenty miles, when to be filed.

Lands to be sold subject to located right of way.

Time for completing road.

Prior homestead and preëmption rights protected.

SEC. 3. That the rights herein granted shall not preclude the construction of other railroads or telegraph lines through any canyon, defile, or pass on the route of said road, or the crossing of the same at grade by other railroads.

Rights reserved to other companies.

SEC. 4. That said company shall locate its road within three years from the passage of this act, and complete the said railroad within ten years from the same date, failing in which, this act shall be null and void.

Location and construction, when to be completed.

SEC. 5. That Congress hereby reserves the right to alter, amend, or repeal this act at any time that the public interest may require it. (a)

Right of amendment or repeal.

(a) See Nos. 1873, 2244, 2250, 2255, 2258, 2261, 2262, 2263, 2269, 2272.

No. 2276.—AN ACT making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes.

March 3, 1875.
Vol. 18, p. 446.

And the Secretary of the Interior be, and hereby is, authorized to remove all bands of Indians now located upon the Alsea and Siletz Indian reservation, set apart for them by Executive order dated November ninth, eighteen hundred and fifty-five, and restored to the public domain by Executive order of December twenty-first, eighteen hundred and sixty-five, and to locate said Indians upon the following described tract of country, namely: Beginning at a point two miles south of the Siletz agency; thence west to the Pacific Ocean; thence north, along said ocean, to the mouth of Salmon River; thence due east to the west-

Indians on Alsea and Siletz reservation to be removed.

New reservation; boundary.

Proviso.

ern boundary of the eighth range of townships west of the Willamette meridian; thence south with said boundary to a point due east of the place of beginning; thence west to the place of beginning; which is hereby set apart as a permanent reservation for the Indians now occupying the same and to be hereafter located thereon; (a) and all the balance of said Alsea and Siletz reservations is hereby thrown open to settlement under the land laws of the United States: (b) *Provided*, That these Indians shall not be removed from their present reservation without their consent previously had.

(a) See Nos. 2229, 2246.

(b) See Nos. 2233, 2235, 2239, 2263, 2278.

Feb. 28, 1877.
Vol. 19, p. 264.

Settlements on certain lands in Oregon and Washington validated.

No. 2277.—AN ACT for the relief of certain claimants under the donation land law of Oregon, approved September twenty-seventh, eighteen hundred and fifty.

Be it enacted, &c., That the claims of such persons who were duly qualified thereto, and made bona-fide settlements upon lands in the State of Oregon and Washington Territory, under the provisions of the act of Congress, approved September twenty-seventh, eighteen hundred and fifty, entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands," and the legislation supplemental thereto, which have been included, in whole or in part, within the limits of any reservation made by the United States for military purposes subsequent to the date of such settlement and prior to the completion of the period of residence and cultivation required by said act, which reservation has been, or may hereafter be, declared abandoned by the Secretary of War as no longer necessary to the United States for military or other purposes, shall be adjudicated and patented the same as other donation claims arising under said act and supplemental legislation, as though such reservation had never been made: *Provided however*, That no claim of any settler coming within the purview of this act shall be validated or confirmed the value of whose improvements, at the time such reservation was made by the United States, has been ascertained and paid for by the Secretary of War, as required by the aforesaid act of September twenty-seventh, eighteen hundred and fifty, and the legislation supplemental thereto. (a)

(a) See Nos. 2220, 2233, 2235, 2247, 2248, 2267.

March 3, 1877.
Vol. 19, p. 406.

Fort Dalles reservation to be transferred to Secretary of Interior for sale, &c.

No. 2278.—AN ACT to provide for the disposition of Fort Dalles military reservation.

Be it enacted, &c., That the Secretary of War be, and hereby is, authorized to transfer to the custody and control of the Secretary of the Interior, for disposition for cash, according to existing laws relating to the public lands, after appraisement, to the highest bidder, and at not less than the appraised value, nor at less than one dollar and twenty-five cents per acre, the United States military reservation known as the Fort Dalles military reservation at Dalles in the State of Oregon, as the same was established by order of Brigadier-General W. S. Harney, in the year eighteen hundred and fifty-nine, excepting any portion of said reservation as may have been granted to any settler under the act of Congress making donations of the public lands in Oregon to settlers, approved September twenty-seventh, eighteen hundred and fifty, or which may have been granted under any other act of Congress previous to the time when such military reservation was established.

Subdivision into tracts.

SEC. 2. That the Secretary of the Interior, if in his opinion the public interests require it, may cause the said lands in said reservation, or any part thereof, to be subdivided into tracts less than forty acres each, and into town lots, or either; (a) and, in such cases, each subdivision or lot shall be appraised and offered separately for sale to the highest bidder, as before provided, after which any tract or lot so offered, and not sold for want of bidders, shall be subject to sale at private entry at the appraised value.

Separate appraisement and offer.

Appraisement and sale of improvements.

SEC. 3. That the Secretary of the Interior shall cause the improvements, buildings, materials, and other property, which may be situated upon said reservation, or upon any such tract or into which the same may be subdivided, to be appraised, and may cause the same to be sold,

together with the tract or lot upon which the same may be situate, at not less than the appraised value of the land and improvements, or may, in his discretion, cause the said improvements to be sold separately at public sale at not less than the appraised value, to be removed by the purchaser within such time as the Secretary of the Interior may direct; and if the improvements are offered and not sold for want of bidders, then the Secretary of the Interior is authorized to sell the same at private sale for not less than the appraised value.

SEC. 4. That the land lying between the northern boundary of said military reservation and the northern boundary of the military reservation, as established by order of Major G. I. Rains in the year eighteen hundred and fifty-five, shall be disposed of under and according to the provisions of title thirty-two, chapter eight, of the Revised Statutes of the United States, except any portion of the same to which there may be a valid pre-emption claim; and all controversies arising under this act, in regard to the right or title to any part of said lands, shall be decided by the register and the receiver of the proper land office, subject to an appeal to the Commissioner of the General Land Office by any person or party interested therein. (b)

(a) See Nos. 2230, 2233, 2234, 2235, 2239, 2266.

(b) See Nos. 2233, 2235, 2239, 2263, 2276.

Lands between certain boundaries of reservation, how disposed of.

Controversies.

No. 2279.—AN ACT confirming the title to block numbered fourteen, in Baker City, Oregon, to Baker County.

June 9, 1890.
Vol. 21, p. 160.

Be it enacted, &c., That the title to so much of block fourteen, in Baker City, Oregon, as the United States has title to, be, and the same is hereby, confirmed to the county of Baker, Oregon, and that a patent be issued to the said county therefor, without prejudice to the right of any adverse claimant to any part thereof.

Patent to issue to county of Baker for block in Baker City.

No. 2280.—AN ACT for the relief of Priscilla Watson.

June 9, 1890.
Vol. 21, p. —.

Be it enacted, &c., That Priscilla Watson be, and she hereby is, authorized, at any time within one year from and after the date at which the body of the land embraced in the Fort Dalles military reservation in Oregon shall be offered for sale pursuant to the act of Congress of March third, eighteen hundred and seventy-seven, to become the purchaser of that portion of the land embraced within the limits of the said reservation upon which she has made improvements, in consequence of an error of survey, and believing the same to be outside of the said reservation and within the limits of her own land, at such a price as the register and the receiver of the land district within which the land is situated shall determine, subject to the approval of the Commissioner of the General Land Office.

Authorized to enter land in Fort Dalles military reserve.

WASHINGTON TERRITORY.

- Aug. 14, 1848.
Vol. 9, p. 323. **No. 2281.**—AN ACT to establish the Territorial government of Oregon.
[See OREGON, No. 2228.]
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- June 5, 1850.
Vol. 9, p. 437. **No. 2282.**—AN ACT authorizing the negotiation of treaties with the Indian tribes in the Territory of Oregon, for the extinguishment of their claims to lands lying west of the Cascade Mountains, and for other purposes.
[See OREGON, No. 2229.]
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- Sept. 27, 1850.
Vol. 9, p. 496. **No. 2283.**—AN ACT to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands.
[See OREGON, No. 2230.]
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- Feb. 19, 1851.
Vol. 9, p. 563. **No. 2284.**—AN ACT to authorize the legislative assemblies of the Territories of Oregon and Minnesota to take charge of the school lands in said Territories, and for other purposes.
[See MINNESOTA, No. 1835.]
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- Jan. 7, 1853.
Vol. 10, p. 150. **No. 2285.**—AN ACT to amend an act entitled "An act to establish the Territorial government of Oregon," approved August fourteenth, eighteen hundred and forty-eight.
[See OREGON, No. 2232.]
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- Feb. 14, 1853.
Vol. 10, p. 158. **No. 2286.**—AN ACT to amend an act entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to the settlers of the said public lands," approved September twenty-seventh, eighteen hundred and fifty.
[See OREGON, No. 2233.]
-
- March 2, 1853.
Vol. 10, p. 172. **No. 2287.**—AN ACT to establish the Territorial government of Washington.
Be it enacted, f.c., That from and after the passage of this act, all that portion of Oregon Territory lying and being south of the forty-ninth degree of north latitude, and north of the middle of the main channel of the Columbia River, from its mouth to where the forty-sixth degree of north latitude crosses said river, near Fort Wallawalla, thence with said forty-sixth degree of latitude to the summit of the Rocky Mountains, be organized into and constitute a temporary government by the name of the Territory of Washington: *Provided*, That nothing in this act contained shall be construed to affect the authority of the Government of the United States to make any regulation respecting the Indians of said Territory, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the Government to make if this act had never been passed: *Provided further*, That the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, or that may have been so occupied as missionary stations prior to the passage of the act establishing the Territorial government of Oregon, together with the improvements thereon, be, and is hereby,

confirmed and established to the several religious societies to which said missionary stations respectively belong.

SEC. 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the constitution and laws of the United States. But no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws passed by the legislative assembly shall be submitted to the Congress of the United States, and, if disapproved, shall be null and of no effect. (a)

SEC. 20. *And be it further enacted*, That when the lands in said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market or otherwise disposing thereof, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to common schools in said Territory. And in all cases where said sections sixteen and thirty-six, or either or any of them, shall be occupied by actual settlers prior to survey thereof, the county commissioners of the counties in which said sections so occupied as aforesaid are situated, be, and they are hereby, authorized to locate other lands to an equal amount in sections, or fractional sections, as the case may be, within their respective counties, in lieu of said sections so occupied as aforesaid. (b)

(a) See Nos. 2091, 2222, 2281, 2292, 2295.
(b) See Nos. 1835, 2284, 2317.

No. 2288.—AN ACT to amend the act approved September twenty-seven, eighteen hundred and fifty, to create the office of surveyor-general of the public lands in Oregon, etc., and also the act amendatory thereof, approved February nineteen [fourteenth] eighteen hundred and fifty-three.

[See OREGON, No. 2235.]

July 17, 1854.
Vol. 10, p. 305.

No. 2289.—AN ACT confirming a land claim to Elijah White, of the Territory of Washington.

Feb. 10, 1855.
Vol. 10, p. 848.

Be it enacted, &c., That the claim of Doctor Elijah White, to six hundred and forty acres of land on Baker's Bay, near Cape Disappointment, formerly in Oregon, now in Washington Territory, under the act of Congress approved September seven, eighteen hundred and fifty, creating the office of surveyor-general, and making donations in Oregon, shall not suffer any prejudice by reason of his absence from his settlement, as set forth in his petition; but the said claim, in all other respects within the provisions of the said act of September twenty-seven, eighteen hundred and fifty, shall be confirmed by the surveyor-general to the said Elijah White and his assignees, but not to interfere with any reservation that may be needed by the United States for light-house or other public uses, nor to the prejudice of any valid adverse right, if such exist.

No. 2290.—AN ACT for the relief of George Bush, of Thurston County, Washington Territory.

Feb. 10, 1855.
Vol. 10, p. 848.

Be it enacted, &c., That the claim of George Bush to six hundred and forty acres of land in Thurston County, Washington Territory, in virtue of his early settlement and continued residence and cultivation, as set forth in the memorial passed on the seventeenth March, eighteen hundred and fifty-four, by the legislative assembly of Washington Territory, be, and the same is hereby, confirmed—the one-half to the said George Bush, and the other half to his wife; and it shall be the duty of the surveyor-general of the said Territory of Washington to designate and set apart the quantity of land aforesaid, to embrace the residence and settlement of the said George Bush, according to the lines of the public surveys, and for the claim hereby confirmed, but not in such a manner as to interfere with any reserve or valid adverse right, if any

such exist, to any part of the land claimed as aforesaid; and upon the presentation of a certificate from the surveyor-general, designating the land which may be officially set apart under this act, a patent shall issue, if the proceedings are found regular by the Commissioner of the General Land Office.

May 29, 1858. **No. 2291.**—AN ACT for extending the land laws east of the Cascade Mountains, Vol. 11, p. 293. in Oregon and Washington Territories.

[See OREGON, No. 2239.]

Feb. 14, 1859. **No. 2292.**—AN ACT for the admission of Oregon into the Union. Vol. 11, p. 393.

Residue to be- SEC. 5. *And be it further enacted,* That, until Congress shall otherwise-
long to the Ter- direct, the residue of the Territory of Oregon shall be, and is hereby,
ritory of Wash- incorporated into, and made a part of the Territory of Washington. (a)
ington.

(a) See Nos. 2091, 2228, 2281, 2287, 2295.

May 16, 1860. **No. 2293.**—AN ACT to create an additional land district in Washington Territory. Vol. 12, p. 16.

Columbia Riv-
er district estab-
lished.

Boundaries.

Be it enacted, &c., That, when in the opinion of the President it may be expedient, all the public lands in the Territory of Washington to which the Indian title shall have been extinguished or may hereafter be extinguished, lying east and south of the following boundaries, shall constitute a new land district to be called the "Columbia River district," viz.: Beginning on the boundary line between the United States and the British possessions and on the summit of the Cascade Mountains at the nearest range line to the east line of range twelve, thence south on the nearest range lines on the summit of said mountains to the line dividing townships ten and eleven north, thence west to the line dividing ranges six and seven west, thence north on said line to the third standard parallel, thence west to "Shoal Water Bay," thence with the Shoal Water Bay, including any islands therein, to the Pacific—the western boundary of said district above the line dividing ranges ten and eleven and on the summit of the Cascade Mountains, to be adjusted by the Department of the Interior as near the points before given as is consistent with the lines of the public surveys—and the President shall be authorized hereafter from time to time, as circumstances may require, to adjust the boundaries of the land districts in said Territory and remove the offices when the same shall be expedient.

Register and SEC. 2. *And be it further enacted,* That the President be and he is
receiver to be hereby authorized to appoint by and with the advice and consent of
appointed. the Senate or during the recess thereof, and until the end of the next
session after such appointment, a register and receiver for said district
who shall be required to reside at the site of the land office, be subject
to the same laws, and entitled to the same compensation as is or may
hereafter be prescribed by law in relation to the existing land office and
officers in said Territory. (a)

(a) See Nos. 2233, 2235, 2286, 2288, 2294, 2306, 2316, 2319.

March 2, 1861. **No. 2294.**—AN ACT to provide for bringing up the arrearages of work of the land Vol. 12, p. 198. office at Olympia, Washington Territory.

Clerical serv-
ices in land office
at Olympia,
Washington Ter-
ritory.

Be it enacted, &c., That the Secretary of the Interior be authorized to make such allowances for clerical services in bringing up the arrear-
ages of business at the land office at Olympia, Washington Territory, including payment of clerical services already necessarily incurred, as, on the production of the proper evidence, he may deem equitable and just, the amount not to exceed the sum of three thousand dollars, and to be paid out of the appropriation for incidental expenses of district land offices. (a)

(a) See Nos. 2233, 2235, 2286, 2288, 2293, 2306, 2316, 2319.

March 2, 1861. **No. 2295.**—AN ACT to provide a temporary government for the Territory of Dakota, Vol. 12, p. 239. and to create the office of surveyor-general therein.

[Portion of Washington and Utah Territories added to Nebraska. See NEBRASKA, No. 2091.]

No. 2296.—AN ACT in relation to university lands in Washington Territory.March 14, 1864.
Vol. 13, p. 28.

Whereas it is declared in the fourth section of the act of Congress approved July seventeenth, eighteen hundred and fifty-four, amendatory of the act approved September twenty-seventh, eighteen hundred and fifty, creating the office of surveyor-general of the public lands in Oregon, etc., "that in lieu of the two townships of land granted to the Territory of Oregon, by the tenth section of the act of eighteen hundred and fifty, for universities, there shall be reserved to each of the Territories of Washington and Oregon, two townships of land of thirty-six sections each, to be selected in legal subdivisions, for university purposes, under the direction of the legislatures of said Territories, respectively;" and whereas it is represented that sales have been made by Territorial authorities of lands selected in virtue of the terms of said act of seventeenth July, eighteen hundred and fifty-four, authorizing selections to be "reserved," merely under the conviction that they had the power to dispose of the same as a fee-simple grant: Therefore,

University
lands in Wash-
ington Territory.
Preamble.

Be it enacted, &c., That in all cases of sales made to individuals by the Territorial authorities prior to the passage of this act, in which it may be shown to the satisfaction of the Secretary of the Interior, that such sales were bona-fide and of the class hereinbefore mentioned, and that the tracts so sold are selections in all other respects regular and proper, it shall and may be lawful for the said Secretary to approve such selection as a grant in fee-simple, and a transcript, certified under the seal of the General Land Office by the Commissioner thereof, of such approval, shall vest the title in the Territory and in its bona-fide vendees. (a)

Bona-fide sales
approved.

(a) See Nos. 2235, 2288.

No. 2297.—AN ACT in reference to donation claims in Oregon and Washington.April 29, 1864.
Vol. 13, p. 62.

[See OREGON, No. 2247.]

No. 2298.—AN ACT to amend the act of Congress making donations to the settlers on the public lands in Oregon, approved September twenty-seven, eighteen hundred and fifty, and the acts amendatory thereto.June 25, 1864.
Vol. 13, p. 184.

[See OREGON, No. 2248.]

No. 2299.—AN ACT granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget's Sound, on the Pacific Coast, by the northern route.July 2, 1864.
Vol. 13, p. 365.

[See MINNESOTA, No. 1873.]

No. 2300.—AN ACT for increased facilities of telegraph communication between the Atlantic and Pacific States and the Territory of Idaho.July 2, 1864.
Vol. 13, p. 373.

[See NEBRASKA, No. 2097.]

No. 2301.—AN ACT to grant the right of way to the "Cascade Railroad Company" through a military reserve in Washington Territory.April 10, 1866.
Vol. 14, p. 31.

Whereas the Cascade Railroad Company, a corporation duly created and organized under the laws of Washington Territory, has constructed and put in operation a railroad on the Cascade Portage of the Columbia River, in said Territory, a portion of which said road is constructed through a military reserve of the United States; and whereas doubts have arisen as to the right to construct such road through said reserve and the validity of the charter of said company: Therefore,

Preamble.

Be it enacted, &c., That there shall be, and is hereby, granted to the said Cascade Railroad Company a right of way of sixty feet in width along the line of said road as at present constructed and along the changes of location hereafter made to straighten and render said road safe, through the public lands of the United States, the military reserve, and the lands of private persons agreeing thereto, including all necessary grounds for stations, buildings, workshops, depots, machine-shops,

Right of way
granted to the
"Cascade Rail-
road Company"
through the pub-
lic lands and mil-
itary reserve.

Charter of the switches, side-tracks, and wharves. And the charter of said company is hereby adopted and declared to be valid: *Provided*, That nothing in this act shall be so construed as to give said company the right to occupy for any purpose whatever more than sixty feet in width on the line of said road at any point or points where the space or pass between the river and bluff or mountain is so narrow as not to admit of the construction of another parallel railroad, turnpike, road, canal, or other public work for transportation of freight or passengers. (a)

Provided.

(a) See Nos. 1873, 1889, 2302, 2309, 2302, 2303, 2304, 2311, 2315.

March 3, 1869.
Vol. 15, p. 325.

No. 2302.—AN ACT granting the right of way to the Walla-Walla and Columbia River Railroad Company, and for other purposes.

Right of way granted to the Walla-Walla and Columbia River Railroad Com. from Walla-Walla to Columbia River.

Width of way, land for stations, &c.

County commissioners of Walla-Walla County may subscribe for stock of road, and issue bonds for payment, &c.

Subscription, &c., not to exceed \$300,000.

To be submitted to the people and approved by three-fourths of the legal votes cast.

Notice of election.

County commissioners may hold special elections to take a vote of the county upon granting aid to the road.

Attempting to obtain future assistance from the United States to work forfeiture of this grant.

Be it enacted, &c., That the right of way through the public lands be, and the same is hereby, granted to the Walla-Walla and Columbia River Railroad Company, a corporation existing under the laws of the Territory of Washington, and duly incorporated for the purpose of constructing a railroad from said town of Walla-Walla to some eligible point on the navigable waters of said Columbia River, in said Territory; said right of way hereby granted to said railroad is to the extent of one hundred feet in width on each side of said road where it may pass over the public lands; also, all necessary ground, not to exceed five acres at each station, for station-buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations.

SEC. 2. *And be it further enacted*, That the county commissioners of the county of Walla-Walla, in the Territory of Washington, be, and they are hereby, authorized and empowered to aid in the construction of the Walla-Walla and Columbia River Railroad by subscribing to the capital stock of said Walla-Walla and Columbia River Railroad Company in the name and on behalf of said county of Walla-Walla, and by issuing bonds of said county, payable at such time as said commissioners shall think proper, and bearing interest of not more than eight per cent. per annum, in payment for said stock so by them taken in said railroad company, or by issuing bonds, bearing interest as aforesaid, as a loan to said company, to be used in the construction of said road, or to aid said company in the construction of said road by the credit of said county in any other manner the said commissioners may think proper: *Provided*, That the said subscription, loan, or other aid so given by said commissioners to said company shall in no case exceed the sum of three hundred thousand dollars. *And provided further*, That the said subscription, loan, or other aid, shall have been submitted to the people of said county and been voted for by three-fourths of the legal votes cast at an election held for that purpose: *And provided further*, That if said vote be taken at a special election, the notice shall be the same as provided by the laws of said Territory for general elections.

SEC. 3. *And be it further enacted*, That the county commissioners of the county of Walla-Walla, in the Territory of Washington, be, and they are hereby, authorized and empowered to hold a special election, at such times as they may designate, after twenty days' public notice, which said election shall be governed by the general laws of the Territory upon the subject of elections, at which election the aid to be given by said county to said Walla-Walla and Columbia River Railroad Company, either by subscriptions to stock or otherwise, shall be submitted to and be voted upon by the legal voters of said county in such manner as said commissioners may designate: *Provided*, That this grant is made upon the express condition that any effort by said company hereafter to obtain any land grant, subsidy, or pecuniary aid from the United States Government shall work a forfeiture of this grant. (a)

(a) See Nos. 1873, 1889, 2302, 2309, 2301, 2303, 2304, 2311, 2315.

April 10, 1869.
Vol. 16, p. 57.

No. 2303.—JOINT RESOLUTION granting right of way for the construction of a railroad from a point at or near Portland, Oregon, to a point west of the Cascade Mountains, in Washington Territory.

[See OREGON, No. 2262.]

No. 2304.—A RESOLUTION authorizing the Northern Pacific Railroad Company to issue its bonds for the construction of its road and to secure the same by mortgage, and for other purposes.

May 31, 1870.
Vol. 16, p. 378.

[See MINNESOTA, No. 1889.]

No. 2305.—AN ACT to provide for the disposition of useless military reservations.

Feb. 24, 1871.
Vol. 16, p. 430.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and empowered to transfer to the custody and control of the Secretary of the Interior, for disposition for cash, according to the existing laws of the United States relating to the public lands, after appraisement, to the highest bidder, and at not less than the appraised value, nor at less than one dollar and twenty-five cents per acre, the United States military reservations at Forts Lane and Walla-Walla, in the State of Oregon; Fort Zarah, in the State of Kansas; Camp McGarry, in the State of Nevada; Fort Sumner, in the Territory of New Mexico; Forts Jessup and Sabine, in the State of Louisiana; Fort Wayne and Fort Smith, in the State of Arkansas; such portion of the Fort Abercrombia reservation as lies east of the Red River of the North; and such portions of the reservation at Fort Bridger, in the Territory of Wyoming, as may no longer be required for military purposes: (a) *Provided*, That the Secretary of the Interior shall, whenever in his opinion the public interests may require it, cause any of the foregoing reservations, or part thereof, to be subdivided into tracts less than forty acres each, or into town lots: (b) *And provided also*, That each subdivision shall be appraised and offered separately at public outcry, to the highest bidder, as hereinbefore provided, after which any unsold land or lot shall be subject to sale at private entry for the appraised value, at the proper land office: (c) *And provided further*, That should there be improvements of buildings, or of building materials, or other valuable property, the Secretary of the Interior shall have them appraised; and no patent shall issue for the real estate until the improvements are paid for, at the appraised value thereof, under such regulations as may be prescribed by the said Secretary.

Provisions for the sale of certain military reservations in Oregon.

Kansas.
Nevada.
New Mexico.
Louisiana.
Arkansas.
Red River.
Wyoming.
Reservations may be subdivided into forty-acre tracts or town lots.
Public auction.

Private entry.
Improvements.

Patent not to issue until, &c.

(a) See Nos. 2308, 2309, 2310.

(b) See Nos. 2230, 2239, 2243, 2291, 2310.

(c) See Nos. 2233, 2235, 2239, 2266, 2268, 2291, 2310, 2313, 2316.

No. 2306.—AN ACT to create a new land district in the Territory of Washington.

March 3, 1871.
Vol. 16, p. 472.

Be it enacted, &c., That all the public lands in the Territory of Washington lying east and north of the following boundaries shall constitute a new land district, to be called the Walla-Walla district, to wit: Beginning on the boundary line between the United States and the British possessions, on the summit of the Cascade Mountains; thence southerly along the line established by the first section of the act of May ten [sixteen], eighteen hundred and sixty, entitled "An act to create an additional land district in Washington Territory," to the line dividing townships ten and eleven north; thence east to the line dividing ranges nineteen and twenty east; thence south along said line to the Columbia River.

Walla-Walla land district in Washington Territory established.
Boundaries.

SEC. 2. That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof, and until the end of the next session after such appointment, a register and receiver for said district, who shall be required to reside at the city of Walla-Walla until such time as the President, in his discretion, may remove the site of said land office from said city, be subject to the same laws, and entitled to the same compensation as is, or may hereafter be, provided by law in relation to the existing land offices and officers in said Territory. (a)

Register and receiver.

Residence and pay.

Site of land office may be changed.

(a) See Nos. 2233, 2235, 2266, 2268, 2293, 2294, 2316, 2319.

No. 2307.—AN ACT to extend the benefits of the donation law of September twenty-seven, eighteen hundred and fifty, to certain persons.

March 3, 1871.
Vol. 16, p. 563.

[See OREGON, No. 2267.]

April 29, 1872.
Vol. 17, p. 57.

Patent to issue to John C. Smith for portion of the military hay reserve of Fort Walla-Walla.

No. 2308.—AN ACT to amend the first section of an act entitled "An act to provide for the disposition of useless military reservations," approved February twenty-fourth, eighteen hundred and seventy-one.

Be it enacted, &c., That the first section of an act entitled "An act to provide for the disposition of useless military reservations," approved February twenty-fourth, eighteen hundred and seventy-one, be amended by adding thereto the following proviso: "*And provided further,* That upon payment of the appraised value by John C. Smith, or his heirs, a patent shall be issued to said Smith, or his heirs, for so much of the military hay reserve of Fort Walla-Walla, Washington Territory, as is embraced in the north half of section twenty-six, township number eight north, of range number thirty-five east of the Willamette meridian, so soon after such payment as the said Smith shall prove to the satisfaction of the register and the receiver of the proper land office that he was in the lawful possession of said land under the pre-emption laws of the United States at the time said land was taken by the military authorities for a hay reserve as aforesaid. (a)

(a) See Nos. 2305, 2309, 2310.

June 5, 1872.
Vol. 17, p. 226.

Military reservation of Fort Walla-Walla in Washington Territory, may be sold.

No. 2309.—AN ACT to correct an error in the act approved February twenty-fourth, eighteen hundred and seventy-one.

Be it enacted, &c., That so much of the act entitled "An act to provide for the disposition of useless military reservations," approved February twenty-fourth, eighteen hundred and seventy-one, as locates the military reservation of Fort Walla-Walla, in "Oregon," is hereby amended so as to read "Washington Territory," the actual location of said reservation. (a)

(a) See Nos. 2305, 2308, 2310.

June 8, 1872.
Vol. 17, p. 335.

The United States military reservation at Fort Walla-Walla, Washington Territory, to be sold.

Mode of sale. May be subdivided into, &c.

Each subdivision to be sold separately at public auction.

Unsold lots to be subject to sale at private entry, &c.

No. 2310.—AN ACT to amend an act entitled "An act to provide for the disposition of useless military reservations," approved February twenty-fourth, eighteen hundred and seventy-one.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to transfer to the custody and control of the Secretary of the Interior, for disposition for cash, according to the existing laws of the United States relating to the public lands, after appraisement, to the highest bidder, and at not less than the appraised value, nor at less than one dollar and twenty-five cents per acre, the United States military reservation at Fort Walla-Walla, in the Territory of Washington: (a) *Provided,* That the Secretary of the Interior shall, whenever in his opinion the public interests may require it, cause the foregoing reservation, or part or parts thereof, to be subdivided into tracts of less than forty acres each, or into town lots, with the necessary street or streets to make the same accessible: (b) *And provided further,* That each subdivision, together with the buildings, building materials, or other property which may be thereon, shall be appraised and offered separately at public outcry, to the highest bidder, as hereinbefore provided, but not in subdivisions of more than forty acres each, after which any unsold land or lot shall be subject to sale at private entry for the appraised value at the proper land office. (c)

(a) See Nos. 2305, 2308, 2309.

(b) See Nos. 2240, 2239, 22-3, 2301, 2305.

(c) See Nos. 2231, 2235, 2239, 2286, 2288, 2291, 2305, 2313, 2316.

March 3, 1873.
Vol. 17, p. 613.

Walla-Walla, &c., Railroad Company may take materials from the public lands for the construction of road.

No. 2311.—AN ACT to amend an act entitled "An act granting the right of way to the Walla-Walla and Columbia River Railroad Company, and for other purposes," approved March third, eighteen hundred and sixty-nine.

Be it enacted, &c., That all after and including the word "provided," in the tenth line of section three of an act entitled "An act granting the right of way to the Walla-Walla and Columbia River Railroad Company, and for other purposes," approved March third, eighteen hundred and sixty-nine, be, and the same is hereby modified as follows. SEC. 2. That the right is hereby granted to the said Walla-Walla and Columbia River Railroad Company to take from the public lands, earth, stone, timber and other materials, for the construction of the Walla-Walla and Columbia River Railroad for two years from the passage of this act. (a)

(a) See Nos. 1873, 1869, 2262, 2299, 2301, 2303, 2303, 2304, 2315.

No. 2312.—AN ACT to donate the military reservation at Fort Steilacoom to the Territory of Washington for the use of the insane asylum.

April 15, 1874.
Vol. 18, p. 29.

Be it enacted, &c., That section thirty-three of township numbered twenty north, of range numbered two east of Willamette meridian, embracing a portion of Fort Steilacoom military reservation, and the military barracks thereon, in the county of Pierce, and the Territory of Washington, be, and the same is hereby, donated to the said Territory of Washington for the use and purpose of an asylum for the insane of said Territory, and for no other purpose: *Provided*, That this act shall not be construed or have the effect to impair any rights of any person in or to any portion of said lands acquired under any of the laws of the United States.

Portion of Fort Steilacoom reservation granted to Washington Territory for an insane asylum.

Rights of settlers, &c., not impaired.

No. 2313.—AN ACT to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were the subject of the award of His Majesty the Emperor of Germany under the treaty of Washington of May eight, eighteen hundred and seventy-one, and for other purposes.

June 20, 1874.
Vol. 18, p. 129.

Whereas it was stipulated by article one of the treaty concluded at Washington on the fifteenth day of June, eighteen hundred and forty-six, between the United States and Great Britain, that the line of boundary between the territories of the United States and Her Britannic Majesty, from the point on the forty-ninth parallel of north latitude up to which it had already been ascertained, should be continued westward along said parallel of north latitude "to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of said channel and of Fuca Straits to the Pacific Ocean;" and whereas by article three of the treaty aforesaid, it was stipulated that "in the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be in the occupation of land or other property lawfully acquired within the said territory, shall be respected;" and whereas by article thirty-four of the treaty concluded at Washington on the eighth day of May, eighteen hundred and seventy-one, the question of where "the boundary which runs southerly through the middle of the channel aforesaid" should be located was submitted to His Majesty the Emperor of Germany, whose decision was to be final and without appeal; and whereas by the award of His Majesty the Emperor of Germany of October twenty-first, eighteen hundred and seventy-two, said boundary was established, and it now devolves upon the United States to discharge its treaty obligations: Therefore,

Preamble.

Be it enacted, &c., That a commissioner be appointed by the President of the United States, to make, and report to the Secretary of the Interior, a list of all British subjects who, on the fifteenth day of June, eighteen hundred and forty-six, were in the occupation of land, lawfully acquired, within the limits which were the subject of the award of His Majesty the Emperor of Germany, together with a description of the land actually occupied by each at said date; and said commissioner shall proceed to the vicinity of the land in question, and there receive proof of the occupancy of such land and of the mode by which such occupancy was acquired, after first giving reasonable notice as to the said matters to be so reported by him. Such proof shall consist of oral testimony, under oath and such documentary proofs as the said occupants may present. The testimony of all witnesses shall be reduced to writing and all documentary proof offered by the parties and received by the commissioner shall be attached to the deposition of the party offering such proofs, which testimony and proofs shall be submitted by said commissioner with his report, and such report shall be subject to review by the Secretary of the Interior, whose action thereon shall be final. For the purposes of this act, the said commissioner shall have authority to subpoena witnesses and to administer oaths and take testimony.

Commissioner to be appointed to make and report lists of British subjects in occupation of land in 1846, &c.

Commissioner to proceed to locality.

To receive proof of occupancy.

Notice to be given.

Proof to consist in what.

Testimony to be reduced to writing.

Documentary proof to be attached to depositions.

Commissioner's report.

Review by Secretary of Interior.

Authority of commissioner.

Compensation and traveling expenses.

Appropriation.

SEC. 2. That said commissioner shall receive for his services ten dollars per diem, together with traveling expenses at the rate of ten cents per mile for the distance actually traveled in the execution of said commission; and the sum of one thousand dollars is hereby appropriated from any unappropriated money in the Treasury to defray such expenses.

- British subjects may purchase lands.** SEC. 3. That all British subjects whose claims shall be approved by the Secretary, as provided in section one of this act, shall be allowed to purchase from the United States the land so designated at any time within one year from such approval, at the ordinary minimum price per acre where the lands are situated outside railroad limits, and at double-minimum price where the lands are within railroad limits.
- Price.**
- Entries to be made, how.** SEC. 4. That such entries shall be according to legal subdivisions, so as to include the improvements of such occupants; and where two or more parties shall have improvements on the same smallest legal subdivision, they may make a joint entry thereof: *Provided*, That in case entry and payment are not made within one year from the date of such approval by the Secretary of the Interior, then all possessory rights named in article three of the treaty of June fifteenth, eighteen hundred and forty-six, shall be considered forfeited, and the lands shall thereafter be deemed and treated as a part of the public domain, to be disposed of as other lands. (a)
- Forfeiture of possessory rights.**
- Regulations.** SEC. 5. That it shall be the duty of the Secretary of the Interior to make all needful regulations to give effect to the provisions of this act. (a) See Nos. 2233, 2235, 2239, 2236, 2282, 2291, 2305, 2310, 2316.

March 22, 1876. No. 2314.—AN ACT granting six hundred and forty acres of land to the widow and heirs of James Sinclair, deceased.

- Grant of land to widow and heirs of James Sinclair.** *Be it enacted, &c.*, That the tract of land known as the military timber reservation, in Walla Walla County, Washington Territory, containing six hundred and forty-one and sixty-four hundredths acres, situate partly in township seven north, of range thirty-six east, and partly in township seven north, of range thirty-seven east, of the Willamette meridian, be, and the same is hereby, granted as follows: The west half of the said tract to Mary Sinclair, widow of James Sinclair, deceased; and the east half to said Mary Sinclair and the heirs of the said James Sinclair, deceased. And it shall be the duty of the Commissioner of the General Land Office by and through the proper United States land office in Washington Territory, to cause the said tract of land to be surveyed, and to issue a patent therefor to the said widow and heirs of James Sinclair, deceased, in accordance with the provisions of this act, and of the act of Congress approved the twenty-seventh day of September, eighteen hundred and fifty, entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and make donations to settlers of the public lands.

July 3, 1876. No. 2315.—AN ACT granting the right of way for a railroad and telegraph line to the Walla Walla and Columbia River Railroad Company across Fort Walla Walla military reservation Washington Territory.

- Right of way through Fort Walla Walla reservation granted.** *Be it enacted, &c.*, That the right of way, not exceeding one hundred feet in width, through the lands of the Fort Walla Walla military reservation in Washington Territory, is hereby granted to the Walla Walla and Columbia River Railroad Company, a corporation organized under the laws of said Territory, for the purpose of constructing a railroad and telegraph line: *Provided*, That the said right of way, and the width and location thereof through said lands, and the regulations for operating said railroad within the limits of the reservation so as to prevent all danger to public property, shall be submitted to, and approved by, the Secretary of War prior to any entry on said lands, or the commencement of the construction of said works: *Provided, also*, That whenever said rights of way shall cease to be used for the purposes aforesaid, the same shall revert to the United States.
- Width, location, &c., to be approved.**
- Reversion of right.**
- Right to alter reserved.** SEC. 2. That Congress reserves the right to alter, amend, or repeal this act. (a)
- (a) See Nos. 1873, 1889, 2262, 2299, 2301, 2302, 2303, 2304, 2311.

Aug. 15, 1876. No. 2316.—AN ACT to create an additional land office at Colfax, Whitman County, Washington Territory.

- Whitman land district created.** *Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized to establish an additional land district in the Territory of Washington, which district shall be bounded as follows, namely: Commencing at a point where the Columbia guide meridian
- Boundaries.**

intersects the third standard parallel in said Territory; thence east along the line of said standard parallel to where the same intersects Snake River; thence along said Snake River to where the same intersects the boundary line between Washington Territory and Idaho Territory; thence north on said boundary line to where the same intersects the boundary line between Washington Territory and British Columbia; thence west along said line to where the same intersects the aforementioned Columbia guide meridian; thence south along the line of said meridian to the place of beginning. Said district, as above bounded, shall be known and designated as the Whitman district, and the office of said district shall be located at the town of Colfax, or at such place as the President may direct, in the Territory of Washington; and the President of the United States shall have power to change the location of said land office, in said Territory, from time to time, as the public interests may seem to require.

SEC. 2. That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof, a register and a receiver for the district hereby created, who shall each reside in the place where said land office is located, and shall have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties, which are or may be prescribed by law in relation to other land officers in said Territory. (a)

SEC. 3. That the public lands in said district shall be subject to sale and disposal upon the same terms and conditions as other public lands of the United States: (b) *Provided*, That all sales and locations made at the office of the old district of land situated within the limits of the new district, which shall be valid and right in other respects up to the day on which the new office shall go into operation, be, and the same are hereby confirmed.

(a) See Nos. 2233, 2235, 2286, 2288, 2293, 2294, 2306, 2319.

(b) See Nos. 2233, 2235, 2239, 2286, 2288, 2291, 2305, 2310, 2313.

No. 2317.—AN ACT for the relief of Thomas Van Duzen and his assigns for lands.

Dec. 28, 1876.
Vol. 19, p. 501.

Whereas, by the organic act of Washington Territory approved March second, anno Domini eighteen hundred and fifty-three, sections sixteen and thirty-six of the public lands in each township were reserved for school purposes; and whereas, the legislature of Washington Territory, by an act passed January twenty-third, anno Domini eighteen hundred and sixty-three, did authorize the board of county commissioners of any county to sell at private sale such portions of said sixteenth and thirty-sixth sections as were by prior settlement in the bona-fide possession of any person at the time of the approval of said organic act; and whereas the county commissioners of Jefferson County, in said Territory, did, at a regular term thereof, held at the county seat of said county, on the third day of February, anno Domini eighteen hundred and sixty-four, under and by virtue of the power given in said act of January twenty-third, anno Domini eighteen hundred and sixty-three, sell and convey to Thomas Van Duzen, for one dollar and fifty cents gold coin per acre, the northeast quarter of section thirty-six, township twenty-nine, range one west, he being a bona-fide settler on said land prior to the passage of said organic act; and whereas said sale and conveyance were made in good faith, and with the belief that said county commissioners had power to make it, and said money has gone into the common school fund of said Territory, and said Thomas Van Duzen and his assigns have made valuable improvements on said land, and are without remedy: (a) Therefore,

Be it enacted, &c., That the title to said northeast quarter of section thirty-six, township twenty-nine, Washington Territory, be, and the same is hereby, confirmed unto the said Thomas Van Duzen, his heirs and assigns in fee-simple.

(a) See Nos. 1835, 2284, 2287.

Preamble.

Land title of
Thomas Van Du-
zen confirmed.

No. 2318.—AN ACT for the relief of certain claimants under the donation land law of Oregon, approved September twenty-seventh, eighteen hundred and fifty.

Feb. 28, 1877.
Vol. 19, p. 264.

[See OREGON, No. 2277.]

June 16, 1880.
Vol. 21, p. 233.

No. 2319.—AN ACT creating Yakima land district in Washington Territory.

Yakima land
district estab-
lished.
Boundaries.

Be it enacted, f.c., That all that portion of Washington Territory bounded by a line commencing at a point of the intersection of the line between townships six and seven north, and between ranges twenty-seven and twenty-eight east of the Willamette meridian; and running westerly along said line between townships six and seven north to the summit of the Cascade Mountains; thence northerly along said summit to the boundary line between the United States and British Columbia; thence east along said line to the Columbia guide meridian; thence south on said meridian to the line between townships sixteen and seventeen north; thence west along said line to the line between ranges twenty-seven and twenty-eight east; thence south along said line to the place of beginning, shall constitute a separate land district, to be called the Yakima land district, the office of which shall be located at Yakima City therein.

Office at Yaki-
ma City.

Register and
receiver to be ap-
pointed.

SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate, or during the recess thereof, a register and a receiver of public moneys for said district; and said officers shall reside in the place where said land office is located, and shall have the same powers and responsibilities, and shall receive the same fees and emoluments, as the like officers now receive in the other land offices in said Territory.

Unfinished
business to be
transferred from
other districts.

SEC. 3. That all persons in said district who, prior to the opening of said Yakima land office, shall have filed their declaratory statements or applications for pre-emption, homestead, or other land rights, in any other land office in said Territory of Washington, shall hereafter make proofs and entries at said Yakima land office; and all unfinished business in any other land office relating exclusively to lands in said Yakima land district shall be transferred to said Yakima land office when notified by the officers of the opening thereof. (a)

(a) See Nos. 2233, 2235, 2286, 2288, 2293, 2294, 2306, 2316.

CALIFORNIA.

No. 2320.—AN ACT for the admission of the State of California into the Union. Sept. 9, 1850.
Vol. 9, p. 452.

Whereas the people of California have presented a constitution and asked admission into the Union, which constitution was submitted to Congress by the President of the United States, by message dated February thirteenth, eighteen hundred and fifty, and which, on due examination, is found to be republican in its form of government:

Preamble.

Be it enacted, &c., That the State of California shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever: California declared to be one of the United States.

* * * * *

SEC. 3. *And be it further enacted,* That the said State of California is admitted into the Union upon the express condition that the people of said State, through their legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned; and that they shall never lay any tax or assessment of any description whatsoever upon the public domain of the United States, and in no case shall non-resident proprietors, who are citizens of the United States, be taxed higher than residents; and that all the navigable waters within the said State shall be common highways, and forever free, as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost, or duty therefor: *Provided,* That nothing herein contained shall be construed as recognizing or rejecting the propositions tendered by the people of California as articles of compact in the ordinance adopted by the convention which formed the constitution of that State. (a)

Admitted into the Union upon certain express conditions.

Proviso.

(a) See Nos. 2133, 2334, 2341.

No. 2320a.—AN ACT making appropriations for the civil and diplomatic expenses of Government for the year ending the thirtieth of June, eighteen hundred and fifty-two, and for other purposes.

March 3, 1851.
Vol. 9, p. 617.

* * * * *

For surveying the public lands and private land claims in California, in conformity with the provisions of the acts of Congress authorizing similar surveys, twenty-five thousand dollars, to be expended under the direction of the Department of the Interior; out of which sum is to be paid the compensation of a surveyor-general, whose salary shall not exceed four thousand and five hundred dollars per annum: *Provided,* That this rate of compensation shall continue for the term of two years, and no longer. (a)

Survey of land claims in California and surveyor-general there.

Proviso.

(a) See Nos. 2324, 2334, 2346, 2348, 2351, 2352, 2354, 2364, 2369, 2371, 2375, 2380, 2383, 2387, 2392.

No. 2321.—AN ACT to ascertain and settle the private land claims in the State of California.

March 3, 1851.
Vol. 9, p. 631.

Be it enacted, &c., That for the purpose of ascertaining and settling private land claims in the State of California, a commission shall be, and is hereby, constituted, which shall consist of three commissioners, to be appointed by the President of the United States, by and with the advice and consent of the Senate, which commission shall continue for three years from the date of this act, unless sooner discontinued by the President of the United States.

Commission constituted

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| Secretary. | SEC. 2. <i>And be it further enacted</i> , That a secretary, skilled in the Spanish and English languages, shall be appointed by the said commissioners whose duty it shall be to act as interpreter, and to keep a record of the proceedings of the board in a bound book, to be filed in the office of the Secretary of the Interior on the termination of the commission. |
| Duties. | |
| Clerks. | SEC. 3. <i>And be it further enacted</i> , That such clerks, not to exceed five in number, as may be necessary, shall be appointed by the said commissioners. |
| Agent for United States. | SEC. 4. <i>And be it further enacted</i> , That it shall be lawful for the President of the United States to appoint an agent learned in the law, and skilled in the Spanish and English languages, whose special duty it shall be to superintend the interests of the United States in the premises, to continue him in such agency as long as the public interest may, in the judgment of the President, require his continuance, and to allow him such compensation as the President shall deem reasonable. It shall be the duty of the said agent to attend the meetings of the board, to collect testimony in behalf of the United States, and to attend on all occasions when the claimant, in any case before the board, shall take depositions; and no deposition taken by or in behalf of any such claimant shall be read in evidence in any case, whether before the commissioners, or before the district or Supreme court of the United States, unless notice of the time and place of taking the same shall have been given in writing to said agent, or to the district attorney of the proper district, so long before the time of taking the deposition as to enable him to be present at the time and place of taking the same, and like notice shall be given of the time and place of taking any deposition on the part of the United States. |
| Duties. | |
| Compensation. | |
| Notice of taking of depositions to be given to such agent. | |
| Sessions of commissioners. | SEC. 5. <i>And be it further enacted</i> , That the said commissioners shall hold their sessions at such times and places as the President of the United States shall direct, of which they shall give due and public notice; and the marshal of the district in which the board is sitting shall appoint a deputy, whose duty it shall be to attend upon the said board, and who shall receive the same compensation as is allowed to the marshal for his attendance upon the district court. |
| Deputy marshal. | |
| Pay. | |
| Oaths to be administered, and testimony taken in writing and recorded. | SEC. 6. <i>And be it further enacted</i> , That the said commissioners, when sitting as a board, and each commissioner at his chambers, shall be, and are, and is hereby, authorized to administer oaths, and to examine witnesses in any case pending before the commissioners, that all such testimony shall be taken in writing, and shall be recorded and preserved in bound books to be provided for that purpose. |
| Subpoenas. | SEC. 7. <i>And be it further enacted</i> , That the secretary of the board shall be, and he is hereby, authorized and required, on the application of the law agent or district attorney of the United States, or of any claimant or his counsel, to issue writs of subpoena commanding the attendance of a witness or witnesses before the said board or any commissioner. |
| Claimants of land to present their claims. | SEC. 8. <i>And be it further enacted</i> , That each and every person claiming lands in California by virtue of any right or title derived from the Spanish or Mexican Government, shall present the same to the said commissioners when sitting as a board, together with such documentary evidence and testimony of witnesses as the said claimant relies upon in support of such claims; and it shall be the duty of the commissioners, when the case is ready for hearing, to proceed promptly to examine the same upon such evidence, and upon the evidence produced in behalf of the United States, and to decide upon the validity of the said claim, and, within thirty days after such decision is rendered, to certify the same, with the reasons on which it is founded, to the district attorney of the United States in and for the district in which such decision shall be rendered. |
| Proceedings thereon. | |
| Petitions to district court. | SEC. 9. <i>And be it further enacted</i> , That in all cases of the rejection or confirmation of any claim by the board of commissioners, it shall and may be lawful for the claimant or the district attorney, in behalf of the United States, to present a petition to the district court of the district in which the land claimed is situated, praying the said court to review the decision of the said commissioners, and to decide on the validity of such claim; and such petition, if presented by the claimant, shall set forth fully the nature of the claim and the names of the original and present claimants, and shall contain a derangement of the claimant's title, together with a transcript of the report of the board of commissioners, and of the documentary evidence and testimony of the witnesses on which it was founded; and such petition, if presented by the dis- |
| Proceedings therein. | |

district attorney in behalf of the United States, shall be accompanied by a transcript of the report of the board of commissioners, and of the papers and evidence on which it was founded, and shall fully and distinctly set forth the grounds on which the said claim is alleged to be invalid, a copy of which petition, if the same shall be presented by a claimant, shall be served on the district attorney of the United States, and, if presented in behalf of the United States, shall be served on the claimant or his attorney; and the party upon whom such service shall be made shall be bound to answer the same within a time to be prescribed by the judge of the district court; and the answer of the claimant to such petition shall set forth fully the nature of the claim, and the names of the original and present claimants, and shall contain a deraignment of the claimant's title; and the answer of the district attorney in behalf of the United States shall fully and distinctly set forth the grounds on which the said claim is alleged to be invalid, copies of which answers shall be served upon the adverse party thirty days before the meeting of the court, and thereupon, at the first term of the court thereafter, the said case shall stand for trial, unless, on cause shown, the same shall be continued by the court.

Form of petition.

Answers to petitions.

SEC. 10. *And be it further enacted*, That the district court shall proceed to render judgment upon the pleadings and evidence in the case, and upon such further evidence as may be taken by order of the said court, and shall, on application of the party against whom judgment is rendered, grant an appeal to the Supreme Court of the United States, on such security for costs in the district and Supreme court, in case the judgment of the district court shall be affirmed, as the said court shall prescribe; and if the court shall be satisfied that the party desiring to appeal is unable to give such security, the appeal may be allowed without security.

Proceedings thereon.

Appeal to Supreme Court.

Security for costs.

SEC. 11. *And be it further enacted*, That the commissioners herein provided for, and the district and Supreme courts, in deciding on the validity of any claim brought before them under the provisions of this act, shall be governed by the treaty of Guadalupe Hidalgo, the law of nations, the laws, usages, and customs of the government from which the claim is derived, the principles of equity, and the decisions of the Supreme Court of the United States, so far as they are applicable.

On what principles commissioners are to act.

SEC. 12. *And be it further enacted*, That to entitle either party to a review of the proceedings and decision of the commissioners herein before provided for, notice of the intention of such party to file a petition to the district court shall be entered on the journal or record of proceedings of the commissioners within sixty days after their decision on the claim has been made and notified to the parties, and such petition shall be filed in the district court within six months after such decision has been rendered.

Proceedings to authorize petition to district court.

SEC. 13. *And be it further enacted*, That all lands, the claims to which have been finally rejected by the commissioners in manner herein provided, or which shall be finally decided to be invalid by the district or Supreme court, and all lands the claims to which shall not have been presented to the said commissioners within two years after the date of this act, shall be deemed, held, and considered as part of the public domain of the United States; and for all claims finally confirmed by the said commissioners, or by the said district or Supreme court, a patent shall issue to the claimant upon his presenting to the General Land Office an authentic certificate of such confirmation, and a plat or survey of the said land, duly certified and approved by the surveyor-general of California, whose duty it shall be to cause all private claims which shall be finally confirmed to be accurately surveyed, and to furnish plats of the same; and in the location of the said claims, the said surveyor-general shall have the same power and authority as are conferred on the register of the land office and receiver of the public moneys of Louisiana, by the sixth section of the act "to create the office of surveyor of the public lands for the State of Louisiana," approved third March, one thousand eight hundred and thirty-one: *Provided, always*, That if the title of the claimant to such lands shall be contested by any other person, it shall and may be lawful for such person to present a petition to the district judge of the United States for the district in which the lands are situated, plainly and distinctly setting forth his title thereto, and praying the said judge to hear and determine the same, a copy of which petition shall be served upon the adverse party thirty days before the time appointed for hearing the

All lands in California to which claims are not established to be taken as public lands.

Patent to issue for lands, claims to which are confirmed.

Location and survey of claims.

Provision where a claim is contested by some other person.

Injunction in same. *And provided, further,* That it shall and may be lawful for the district judge of the United States, upon the hearing of such petition, to grant an injunction to restrain the party at whose instance the claim to the said lands has been confirmed, from suing out a patent for the same, until the title thereto shall have been finally decided, a copy of which order shall be transmitted to the Commissioner of the General Land Office, and thereupon no patent shall issue until such decision shall be made, or until sufficient time shall, in the opinion of the said judge, have been allowed for obtaining the same; and thereafter the said injunction shall be dissolved.

This act not to extend to certain lots. SEC. 14. *And be it further enacted,* That the provisions of this act shall not extend to any town lot, farm lot, or pasture lot, held under a grant from any corporation or town to which lands may have been granted for the establishment of a town by the Spanish or Mexican Government, or the lawful authorities thereof, nor to any city, or town, or village lot, which city, town, or village existed on the seventh day of July, eighteen hundred and forty-six; but the claim for the same shall be presented by the corporate authorities of the said town, or where the land on which the said city, town, or village was originally granted to an individual, the claim shall be presented by or in the name of such individual, and the fact of the existence of the said city, town, or village on the said seventh July, eighteen hundred and forty-six, being duly proved, shall be prima facie evidence of a grant to such corporation, or to the individual under whom the said lot-holders claim; and where any city, town, or village shall be in existence at the time of passing this act, the claim for the land embraced within the limits of the same may be made by the corporate authority of the said city, town, or village.

Proceedings to be conclusive only as between United States and the claimants. SEC. 15. *And be it further enacted,* That the final decrees rendered by the said commissioners, or by the district or Supreme court of the United States, or any patent to be issued under this act, shall be conclusive between the United States and the said claimants only, and shall not affect the interests of third persons.

Report on tenure of mission lands and those held by certain Indians. SEC. 16. *And be it further enacted,* That it shall be the duty of the commissioners herein provided for to ascertain and report to the Secretary of the Interior the tenure by which the mission lands are held, and those held by civilized Indians, and those who are engaged in agriculture or labor of any kind, and also those which are occupied and cultivated by Pueblos or Rancheros Indians.

Compensation. Commissioners. Secretary. Clerks. SEC. 17. *And be it further enacted,* That each commissioner appointed under this act shall be allowed and paid at the rate of six thousand dollars per annum; that the secretary of the commissioners shall be allowed and paid at the rate of four thousand dollars per annum; and the clerks herein provided for shall be allowed and paid at the rate of one thousand five hundred dollars per annum; the aforesaid salaries to commence from the day of notification by the commissioners of the first meeting of the board.

Secretary to receive no fees except in certain cases. SEC. 18. *And be it further enacted,* That the secretary of the board shall receive no fee except for furnishing certified copies of any paper or record, and for issuing writs of subpoena. For furnishing certified copies of any paper or record, he shall receive twenty cents for every hundred words, and for issuing writs of subpoena, fifty cents for each witness; which fees shall be equally divided between the said secretary and the assistant clerk. (a)

(a) See Nos. 2322, 2325, 2330, 2332, 2337, 2338, 2339, 2342, 2345, 2358, 2371.

Aug. 31, 1852.
Vol. 10, p. 91.

No. 2322.—AN ACT making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirtieth of June, eighteen hundred and fifty-three, and for other purposes.

Private land claims in California.
Proviso.

For surveying private claims in California which may have been presented in good faith to the board of land commissioners, twenty-two thousand five hundred dollars: *Provided,* That the authority hereby conferred on the surveyor general shall apply only to such unconfirmed cases as in the gradual extension of the lines of the public surveys he shall find within the immediate sphere of his operations, and which he is satisfied ought to be respected, and actually surveyed in advance of confirmation.

Certain islands on the coast of California.

For subdividing the islands of Santa Cruz, San Miguel, or Santa Rosa, San Bernardo, Santa Catalina, San Clemente, or San Salvador, San Nicolas, and Santa Barbara, on the coast of California, by the coast survey,

according to such plan as may be devised by the General Land Office, so that said islands may be readily disposed of under the laws of the United States, and in establishing the necessary corners along the meanders with which to connect the lines of the subdivisions under this appropriation, twenty thousand dollars: *Provided*, That the Superintendent of the Coast Survey shall return to the General Land Office two complete copies of the maps and field-notes of said subdivisions with the meanders and connections aforesaid, one of which shall be for the records of the surveyor-general: (a) *And provided, further*, That all leases of any said islands, or of any part of either of them now outstanding, shall be regarded as without authority and void.

Proviso.

Outstanding leases to be void.

SEC. 12. *And be it further enacted*, That the President of the United States appoint an associate law agent for California, learned in the law, and skilled in the Spanish and English languages, whose duties and compensation shall be the same as those of the law agent: *Provided*, That the compensation of the agent and associate shall not exceed five thousand dollars each. And in every case in which the board of commissioners on private land claims in California, shall render a final decision, it shall be their duty to have two certified transcripts prepared of their proceedings and decision, and of the papers and evidence on which the same are founded, one of which transcripts shall be filed with the clerk of the proper district court, and the other shall be transmitted to the Attorney-General of the United States, and the filing of such transcript with the clerk aforesaid shall *ipso facto* operate as an appeal for the party against whom the decision shall be rendered; and if such decision shall be against the private claimant, it shall be his duty to file a notice with the clerk aforesaid within six months thereafter, of his intention to prosecute the appeal; and if the decision shall be against the United States, it shall be the duty of the Attorney-General within six months after receiving said transcript to cause a notice to be filed with the clerk aforesaid, that the appeal will be prosecuted by the United States; and on a failure of either party to file such notice with the clerk aforesaid, the appeal shall be regarded as dismissed. (b)

Associate law agent in California.

Two transcripts of final decisions on California land claims to be made.

Appeals.

- (a) See Nos. 2320a, 2324, 2346, 2348, 2351, 2352, 2354, 2364, 2369, 2371, 2375, 2380, 2385, 2387, 2392.
(b) See Nos. 2321, 2325, 2330, 2332, 2337, 2338, 2339, 2342, 2345, 2358, 2371.

No. 2323.—AN ACT making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, one thousand eight hundred and fifty-four.

March 3, 1853.
Vol. 10, p. 238.

Be it enacted, &c.,

That the President of the United States, if upon examination he shall approve of the plan hereinafter provided for the protection of the Indians, be and he is hereby authorized to make five military reservations from the public domain in the State of California or the Territories of Utah and New Mexico bordering on said State, for Indian purposes: *Provided*, That such reservations shall not contain more than twenty-five thousand acres in each: *And provided further*, That said reservation shall not be made upon any lands inhabited by citizens of California, and the sum of two hundred and fifty thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expense of subsisting the Indians in California and removing them to said reservations for protection: *Provided, further*, If the foregoing plan shall be adopted by the President, the three Indian agencies in California shall be thereupon abolished. (a)

Military reservations in California, Utah, and New Mexico, for Indians authorized.

Proviso.

- (a) See Nos. 2320, 2333, 2335, 2340, 2352, 2380, 2399.

No. 2324.—AN ACT to provide for the survey of the public lands in California, the granting of preemption rights therein, and for other purposes.

March 3, 1853.
Vol. 10, p. 244.

Be it enacted, &c., That the surveyor-general for the district or State of California, who is now or may hereafter be appointed by the President, by and with the advice and consent of the Senate, shall keep his office at such place as the President, in view of the public convenience, shall from time to time direct; and the surveyor-general, if he has not

Place of office of surveyor-general for California.

- already done so, and his successors in office, before entering upon duty, shall take and subscribe an oath or affirmation, before a judge of a United States court, or other competent officer, to support the Constitution of the United States, and faithfully discharge the duties of his office, and give bond in the same amount as other surveyors-general, the penalty thereof to be increased whenever the Secretary of the Interior shall deem proper. He shall be entitled to receive a salary at the rate of four thousand five hundred dollars per annum, payable quarterly, to commence from the time of entering into bond.
- Oath of office.**
- Bond.**
- Salary.**
- His clerks.** SEC. 2. *And be it further enacted,* That there shall be allowed for clerk hire in the office of the surveyor-general the sum of eleven thousand dollars per annum, or so much thereof as may be necessary: *Provided,* That the salary of no clerk shall exceed the sum of twenty-five hundred dollars per annum; and for office rent, fuel, and other incidental expenses of his office, such sums as shall be found necessary by the Secretary of the Interior, not exceeding the sum of ten thousand dollars.
- Proviso.** And the Secretary of the Interior is hereby authorized to cause an official seal to be prepared for the office of the said surveyor-general; and any copy of or extracts from the plats, field-notes, and other records and documents on file in his office, when attested as such, by the said seal, and the signature of the surveyor-general, shall, in all judicial matters, have the same force and effect as the originals.
- His official seal.**
- His attested copies made evidence.**
- His power and duties.** SEC. 3. *And be it further enacted,* That the said surveyor-general shall have the same power and authority, and perform the same duties respecting the public lands and private claims in the State of California, as by law appertain to and are required of the surveyor-general in Louisiana, except so far as the same may be modified by this act. He shall engage a sufficient number of skilful surveyors as his deputies, whom he shall cause to survey, measure, and mark base and meridian lines through such points, and perpetuated by such monuments, and such other correction parallels and meridians as may be prescribed, and also to survey and establish the other lines of the public lands. He shall also cause all private claims to be surveyed after they have been confirmed, so far as may be necessary to complete the surveys of the public lands; and in the location and survey of them he shall have the same power and authority as are conferred on the land officers of Louisiana by the sixth section of the act of third March, eighteen hundred and thirty-one, creating the office of the surveyor-general for that State; and for surveying the base and meridian lines, and private claims, and meandering navigable waters, the deputy surveyor shall be allowed not exceeding sixteen dollars per mile; and for surveying the other lines of the public lands there shall be paid not exceeding an average of twelve dollars per mile: *Provided,* That none other than township lines shall be surveyed when the lands are mineral or are deemed unfit for cultivation; and no allowance shall be made for such lines as are not actually run and marked in the field, and were actually necessary to be run.
- Deputies.**
- Pay per mile of survey.**
- Proviso.**
- Geodetic method may be adopted.** SEC. 4. *And be it further enacted,* That if, in the opinion of the Secretary of the Interior it shall be advisable, he is hereby authorized to direct such surveys after what is known as the geodetic method. And whenever, in the opinion of the Secretary of the Interior, a departure from the rectangular mode of surveying and subdividing the public lands would promote the public interests, he may direct such change to be made in the mode of surveying and designating the said lands as he may deem proper, with reference to the existence of mountains, mineral deposits, and the advantages derived from timber and water privileges: *Provided,* That such lands shall not be surveyed into less than one hundred and sixty acres, or subdivided into less than forty acres. (a)
- Rectangular mode of survey may be departed from.**
- Proviso.**
- Register and receiver for California to be appointed.** SEC. 5. *And be it further enacted,* That there shall be appointed by the President, by and with the advice and consent of the Senate, a register of the land office and receiver of public moneys for the State of California, at such time as, in his judgment, the public interest may demand, with a salary each of three thousand dollars per annum, payable quarterly; and the land office shall be located at such place as the President, in view of the public convenience, shall from time to time direct; and, previously to entering on the duties of their offices, they each shall take and subscribe an oath or affirmation, before one of the judges of the United States courts, or other competent officer, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices, and shall give bond in the
- Location of land office.**

same amount as other registers and receivers of the public land offices; and their general duties and responsibilities shall be the same as other officers of like character: *Provided, however,* That at such time or times as in his judgment the public interest may so imperatively require, and in the absence of any further and special legislation of Congress on the subject, it shall be lawful for the President of the United States to divide the State of California into two or three separate and distinct land districts, as circumstances shall determine to be necessary, embracing respectively the upper and lower, or the upper, middle, and lower portions of the State; and he shall appoint, by and with the advice and consent of the Senate, or during the recess of Congress when necessary, a register of the land office and receiver of public moneys for each of such land districts; and the land offices for the same respectively shall be located at, and be removed from time to time to such places as the President shall deem most suitable for public convenience. (b)

California may be divided into land districts and officers be appointed.

SEC. 6. *And be it further enacted,* That all the public lands in the State of California, whether surveyed or unsurveyed, with the exception of sections sixteen and thirty-six, which shall be and hereby are granted to the State for the purposes of public schools in each township, (c) and with the exception of lands appropriated under the authority of this act, or reserved by competent authority, and excepting also the lands claimed under any foreign grant or title and the mineral lands, shall be subject to the preemption laws of fourth September, eighteen hundred and forty-one, with all the exceptions, conditions, and limitations therein, except as is herein otherwise provided; and shall, after the plats thereof are returned to the office of the register, be offered for sale, after six months' public notice in the State of the time and place of sale, under the laws, rules, and regulations now governing such sales, or such as may be hereafter prescribed: *Provided,* That where unsurveyed lands are claimed by preemption, the usual notice of such claim shall be filed within three months after the return of the plats of surveys to the land offices, and proof and payment shall be made prior to the day appointed by the President's proclamation for the commencement of the sale, including such lands; the entry of such claims to be made by legal subdivisions, according to the United States' survey, and in the most compact form: *And provided further,* That the fact of persons having heretofore had the benefit of said act of the fourth of September, eighteen hundred and forty-one, shall interpose no bar to their obtaining the benefits of this act; and all of said lands that shall remain unsold after having been proclaimed and offered, shall be subject to entry at private sale as other public land, at the same minimum price per acre; and the register and receiver shall not be entitled to any percentage or fees, except for deciding preemption cases, when each of them shall be allowed the same fees as are paid to other like officers; but the receiver shall be entitled to his actual necessary expenses, going and returning, in making his deposits: *Provided,* That nothing in this act shall be construed to authorize any settlement to be made on any public lands not surveyed, unless the same be made within one year from the passage of this act; nor shall any right of such settlers be recognized by virtue of any settlement or improvement made of such unsurveyed lands subsequent to that day: *And provided further,* That this act shall not be construed to authorize any settlement to be made on any tract of land in the occupation or possession of any Indian tribe, or to grant any preemption right to the same.

Public lands in California, except school and mineral lands claimed, &c., to be subject to preemption under act of 1841.

Sale thereof.

Notice of claim of pre-emption.

Who may be pre-emptioners.

Private entry.

Proviso.

SEC. 7. *And be it further enacted,* That where any settlement, by the erection of a dwelling-house or the cultivation of any portion of the land, shall be made upon the sixteenth and thirty-sixth sections, before the same shall be surveyed, or where such sections may be reserved for public uses or taken by private claims, other land shall be selected by the proper authorities of the State in lieu thereof, agreeably to the provisions of the act of Congress approved on the twentieth of May, eighteen hundred and twenty-six, entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships, not before provided for," and which shall be subject to approval by the Secretary of the Interior. And no person shall make a settlement or location upon any tract or parcel of land selected for a military post, or within one mile of such post, or on any other lands reserved by competent authority; nor shall any person obtain the benefits of this act by a settlement or location on mineral lands. (d)

Location of other school lands in lieu of sections 16 and 36.

Settlements within one mile of military posts forbidden.

- Town or vil- lage lots.** SEC. 8. *And be it further enacted,* That the public lands, not being mineral lands, occupied as towns or villages, shall not be subdivided, or subject to sale, or to be appropriated by settlers, under the provisions of this act; but the whole of such lands, whether settled upon before or after the survey of the same, shall be subject to the provisions of the act entitled "An act for the relief of the citizens of towns upon the lands of the United States, under certain circumstances," approved May twenty-third, eighteen hundred and forty-four, except such towns as are located on or near mineral lands, the inhabitants of which shall have the right of occupation and cultivation only until such time as Congress shall dispose of the same; nor shall any lands specially reserved for public uses be appropriated under the provisions of this act.
- Compensation for surveying by the day.** SEC. 9. *And be it further enacted,* That whenever the public surveys, or any portion of them authorized by this act, or by the act approved September twenty-seventh, eighteen hundred and fifty, entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey and to make donations to settlers of the said public lands," are so required to be made, as to render it expedient to make compensation for the surveying thereof by the day, instead of by the mile, it shall be lawful for the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, to make such fair and reasonable allowance as, in his judgment, shall be necessary to insure the accurate and faithful execution of the work. (a)
- Officers, how long to hold office.** SEC. 10. *And be it further enacted,* That, except where the President of the United States shall see cause otherwise to determine, each officer to be appointed in virtue of this act, and also every other like officer of the United States, may continue in the uninterrupted discharge of his regular official duties, and is hereby authorized accordingly so to act, after the day of expiration of his official commission, and until a new commission shall be issued to him for the same office, or otherwise, until the day when a successor shall enter upon the duties of such office; and the existing official bond of any such officer so acting shall be deemed and held to be good and sufficient, and in force until the date of the approval of a new bond to be given by him if recommissioned, or otherwise, for the additional time wherein he may so continue officially to act, pursuant to authority hereof. And the provision as to bonds to be given by deputy surveyors for the faithful execution of their duties, in a penalty of double the estimated amount of money accruing to them under their surveying contracts, as required by the act of March third, eighteen hundred and thirty-one, entitled "An act to create the office of surveyor-general of the public lands for the State of Louisiana," referred to in the third section of this act, shall be and the same is hereby made applicable to the public surveys in the State of California; and the sufficiency of the sureties to all such bonds shall be approved and certified by the proper surveyor-general; and the same provision is hereby extended to all other branches of the public surveying service elsewhere; and all such bonds heretofore required of deputy surveyors, according to usage in the surveying service, shall be deemed and held to be of the same validity as if the same had been required by law. And it is hereby made the duty of each of the respective surveyors-general of the public lands of the United States, so far as is compatible with the desk duties of his office, occasionally to inspect the surveying operations while in progress in the field, sufficiently to satisfy himself, from actual inspection, of the fidelity of the execution of the work according to contract, and the actual and necessary expenses incurred by him while so engaged shall be allowed; and where it is incompatible with his other duties for a surveyor-general to devote the time necessary to make a personal inspection of the work in progress, then he shall be and hereby is authorized to depute a confidential agent to make such examination; and the actual and necessary expenses of such person shall be allowed and paid for that service, and five dollars per day during the examination in the field: *Provided,* That such examination shall not be protracted beyond thirty days, and in no case longer than is actually necessary; and when a surveyor-general, or any person employed in his office at a regular salary, shall be engaged in such special service, he or they shall only receive his necessary expenses in addition to his regular salary.
- Surveyor-general to inspect surveying operations.** SEC. 11. *And be it further enacted,* That the surveyor-general of the public lands of the State of California shall be and hereby is authorized to depute a confidential agent to make such examination; and the actual and necessary expenses of such person shall be allowed and paid for that service, and five dollars per day during the examination in the field: *Provided,* That such examination shall not be protracted beyond thirty days, and in no case longer than is actually necessary; and when a surveyor-general, or any person employed in his office at a regular salary, shall be engaged in such special service, he or they shall only receive his necessary expenses in addition to his regular salary.
- May appoint a confidential agent.** SEC. 12. *And be it further enacted,* That the quantity of two entire townships, or seventy-two sections, shall be and the same is hereby granted to the State of California for the use of a seminary of learning,
- Proviso.**
- Grant to California for a university.**

said lands to be selected by the governor of the State, or any person he may designate for that purpose, in legal subdivisions of not less than a quarter-section of any of the unsold, unoccupied, and unappropriated public lands therein, subject to the approval of the Secretary of the Interior, and to be disposed of as the legislature shall direct: *Provided, however,* That no mineral lands, or lands reserved for any public purpose whatever, or lands to which any settler may be entitled under the provisions of this act, shall be subject to such selection.

Proviso.

SEC. 13. *And be it further enacted,* That there shall be and is hereby granted to the State of California the quantity of ten entire sections of land, for the purpose of erecting the public buildings of that State, said lands to be selected by the governor, or any persons he may designate, in legal subdivisions of not less than a quarter-section of any of the unsold, unoccupied, and unappropriated public lands in that State, and subject to the approval of the Secretary of the Interior: *Provided, however,* That none of said selections shall be made of mineral lands or lands reserved for any public purpose whatever, or lands to which any settler may be entitled under the provisions of this act.

Grant to California for public buildings.

Proviso.

(a) See Nos. 2320a, 2322, 2346, 2348, 2351, 2352, 2354, 2364, 2369, 2371, 2375, 2380, 2385, 2387, 2392.

(b) See Nos. 2336, 2368, 2389.

(c) See Nos. 2371, 2400.

(d) See Nos. 2327, 2348, 2351, 2352, 2353, 2354, 2362, 2364, 2366, 2371, 2372, 2375, 2380, 2387, 2391, 2393, 2399, 2400, 2401, 2403, 2409.

No. 2325.—AN ACT to continue in force the act entitled "An act to ascertain and settle the private land claims in the State of California," and for other purposes.

Jan. 18, 1854.
Vol. 10, p. 265.

Be it enacted, &c., That an act entitled "An act to ascertain and settle the private land claims in the State of California," passed March third, eighteen hundred and fifty-one, be, and the same is hereby, continued in force for one year from and after the third day of March, A. D. eighteen hundred and fifty-four, for the purpose of enabling the board of commissioners appointed under said act to determine the claims presented to said board under the act aforesaid.

Act of 1851 continued in force for a certain purpose.

SEC. 2. *And be it further enacted,* That the said board of commissioners may appoint one or more, not exceeding three, competent persons to act as commissioners in the taking of testimony to be used before said board, who shall receive a compensation to be fixed by said board, but not to exceed ten dollars per diem. (a)

Commissioners to take testimony.

(a) See Nos. 2321, 2322, 2330, 2332, 2337, 2338, 2339, 2342, 2345, 2356, 2371.

No. 2326.—AN ACT supplemental to an act entitled "An act to ascertain and settle the private land claims in the State of California," approved March third, one thousand eight hundred and fifty-one.

Feb. 23, 1854.
Vol. 10, p. 268.

Be it enacted, &c., That the following-named persons, viz: Henry C. Bogge, Levi W. Hardman, Wiley Sneed, Stephen Broadhurst, Smith and Kristeen, George H. Woodman, Berthald and Lorrin, Fisher and Guildfildt, and William Clarke, or either of them, or their representatives, may, within six months after the passage of this act, present their claims to the commissioners who were appointed under the provisions of the act to which this is a supplement; and the said commissioners are hereby empowered to hear and dispose of the same as effectually as though the said claims had been presented in due time, under the thirteenth section of the aforesaid act.

Henry C. Bogge and certain others to have additional time to present their claims to the California land commissioners.

SEC. 2. *And be it further enacted,* That the persons named in this act shall be limited and confined, in their claims, to purchases made of Don Salvador Valligo, a Mexican grantee, for a part of the place known as "Entre Napa," and situate in Napa County, State of California. And the said commissioners shall be satisfied that the said persons named derived title to their respective claims previous to the third day of March, one thousand eight hundred and fifty-three.

Limit of their claims.

SEC. 3. *And be it further enacted,* That the said persons named shall be entitled to no privilege not conferred on claimants under the original act, but as to an extension of time in which their claims may be respectively made to the said commissioners.

This act only to extend the time.

March 1, 1854. **No. 2327.**—AN ACT for the extension of the preemption privilege in the State of California.

Part of act of 1853, respecting pre-emption claims in California, extended.

Be it enacted, &c., That the provisions of the act of the fourth of September, eighteen hundred and forty-one, granting preemption rights to settlers on the public lands, as modified and made applicable to the State of California by the act of the third of March, eighteen hundred and fifty-three, shall be further modified by extending the provisions of the third proviso in the sixth section of the aforesaid act of the third of March, eighteen hundred and fifty-three, to settlements made prior to and within two years after the passage of this act. (a)

(a) See Nos. 2324, 2348, 2351, 2352, 2353, 2354, 2362, 2364, 2369, 2371, 2372, 2375, 2380, 2387, 2391, 2393, 2399, 2400, 2401, 2403, 2409.

July 17, 1854.
Vol. 10, p. 784.

No. 2328.—AN ACT for the relief of Juan M. Luco and Jose L. Luco.

Juan M. Luco and Jose L. Luco allowed to file their claim to land in California before the United States commissioners.

Be it enacted, &c., That Juan M. Luco and Jose L. Luco shall be, and they are hereby, permitted to file their claim and title to a certain tract of land in California, known as the "Ulpines Rancho," before the United States land commissioners to ascertain and settle the private land claims in the State of California, appointed under the act approved third of March, eighteen hundred and fifty-one; and that said commissioners shall take cognizance of and pass upon the said claim, in the same manner as if the said claim had been filed prior to the expiration of the time fixed for filing such claims by the aforesaid act.

July 31, 1854.
Vol. 10, p. 332.

No. 2329.—AN ACT making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, one thousand eight hundred and fifty-five, and for other purposes.

Removal of California Indians.

SEC. 2. * * * For defraying the expenses of continuing the removal and subsistence of Indians in California, three military reservations, in accordance with the plan submitted by the superintendent of Indian affairs of that State, and approved by the President, the sum of two hundred thousand dollars: *Provided,* That, hereafter, no more than twenty thousand dollars shall be drawn by the superintendent, or be in his hands unexpended at one and the same time: *And provided,* The sub-agents created by this act shall be appointed by the superintendent, subject to confirmation by the Secretary of the Interior not to exceed one for each reservation, nor three in all, said reservations to contain not less than five nor more than ten thousand acres; and the said superintendent is authorized to apply, out of the sum hereby appropriated, not exceeding twenty-five thousand dollars, in the extinguishment of conflicting titles and rights to said reserved lands, at a price not exceeding one dollar and twenty-five cents per acre, for a valid and indefeasible title to the land so purchased: *And provided,* The State of California shall cede the necessary jurisdiction in such cases with regard to the land so purchased. (a)

Sub-agents.

Proviso.

(a) See Nos. 2323, 2333, 2335, 2340, 2352, 2380, 2399.

Jan. 10, 1855.
Vol. 10, p. 603.

No. 2330.—AN ACT to continue in force, for a limited time, the provisions of the act of Congress of third March, eighteen hundred and fifty-one, and the second section of its supplement of eighteenth January, eighteen hundred and fifty-four, so as to enable the board of land commissioners in California to close their adjudications of private land titles in that State, and for other purposes.

Continuance of California land commission.

Be it enacted, &c., That the provisions of the act of Congress approved third March, eighteen hundred and fifty-one, "to ascertain and settle the private land claims in the State of California," and of the second section of the act of eighteenth January, eighteen hundred and fifty-four, continuing the same in force, be further continued in force for the term of one year, and no longer, from the third March, eighteen hundred and fifty-five.

Employment of clerks and assistant counsel.

SEC. 2. *And be it further enacted,* That the United States district attorney for the northern district of California be, and he is hereby, authorized to employ assistant counsel to aid him in defending the interests

of the United States in the land suits for the adjudication or such claims before the district court, at a salary not exceeding three thousand six hundred dollars per annum, and also to employ such clerical force, not exceeding two persons, at a compensation of one hundred and fifty dollars per month each; the services of said assistant counsel, and the clerical force aforesaid, not to continue beyond the exigencies of the service, nor longer than the term of one year from the period of their several appointments.

SEC. 3. *And be it further enacted*, That the said commissioners, or either of them, may issue the writ of subpoena requiring the attendance of witnesses before the said board, and that for any contempt in refusing obedience to such writ, the said board shall have the same power to inflict punishment now possessed by the district court of the United States. (a)

Subpoenas.

(a) See Nos. 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407.

No. 2331.—AN ACT authorizing the construction of a line of telegraph from the Mississippi or Missouri rivers to the Pacific Ocean.

Feb. 17, 1855.
Vol. 10, p. 610.

Be it enacted, &c., That Hiram O. Alden and James Eddy, their associates and assigns, are hereby authorized and empowered to construct, at their own expense, a line of telegraph, from such point on the Mississippi or Missouri River as they may hereafter select, through the public lands belonging to the United States, over which lands the right of way two hundred feet in width, for that purpose, is hereby granted, to San Francisco, in California, in as direct a line as practicable.

Right of way granted for a telegraph to the Pacific.

SEC. 2. *And be it further enacted*, That all voluntary or intentional injuries to said line of telegraph, or to any property thereto belonging, within the Territories of the United States, shall be deemed, and are hereby declared to be wilful and malicious trespasses, and shall be punished as such; and all laws of the United States now in force in any Territory thereof, or which may hereafter be enacted for the better security and protection of property, and applicable to such offences, shall be, and they are hereby, extended, for the protection of said line of telegraph, into and over all the territory belonging to, and under the jurisdiction of, the United States, through which the same may be constructed; and all legal process and proceedings for the detection and punishment of the aforesaid offences shall be within the jurisdiction of the courts, and shall be issued and executed by the proper law officers in the States or organized Territories. (a)

Penalties for injuries to such telegraph.

(a) See Nos. 2097, 2343, 2359, 2361.

No. 2332.—AN ACT to establish a circuit court of the United States in and for the State of California.

March 2, 1855.
Vol. 10, p. 631.

SEC. 5. *And be it further enacted*, That the district courts of the United States for the northern and southern districts of California, shall hereafter exercise only the ordinary duties and powers of the district courts of the United States, except the special jurisdiction vested in the said district courts of California over the decisions of the board of commissioners for the settlement of private land claims in California under existing laws; and that appeals from the judgments, orders, and decrees of either of said district courts of California, in the exercise of its ordinary jurisdiction, shall be taken to the circuit court organized by this act, in the same manner and upon the same conditions as appeals may be taken from the judgments, orders, or decrees of the district courts to the circuit courts of the United States.

District courts in California to have only district court jurisdiction, except in case of land claims.

Appeals.

SEC. 6. *And be it further enacted*, That the judge appointed under this act shall, from time to time, or at any time when in his opinion the business of his own court will permit, and that of the courts of the northern and southern districts of California shall require, form part of, and preside over, the said district courts when either of them is engaged in the discharge of the appellate jurisdiction vested in it over the decisions of the board of commissioners for the settlement of private land claims in the State of California, under the act of Congress entitled "An act to ascertain and settle the private land claims in the State of California," passed March third, eighteen hundred and fifty-one, and

Circuit judge may sit in district court, in cases of land claims.

by another act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending thirtieth of June, eighteen hundred and fifty-three, and for other purposes," passed thirty-first of August, eighteen hundred and fifty-two; and it shall be the duty of the clerks of the respective district courts of California to give thirty days' written notice to the judge of the court organized under this act, of the time and place of the sitting of such district court for the discharge of such appellate jurisdiction; and in case the judge of such district court shall fail, from sickness or other casualty, to attend at such time and place, the judge of the court organized under this act, is hereby authorized to hold said court, and proceed with the business of the court, in accordance with the provisions prescribed for the regulation of said district court in the act of Congress hereinbefore referred to; and all appeals to the Supreme Court of the United States from the decisions of said district court, whether held by the last-mentioned judge, or by him in conjunction with the district judge, or by the district judge alone, shall be taken in the manner prescribed by the act of Congress passed on the third day of March, eighteen hundred and fifty-one, entitled "An act to ascertain and settle the private land claims in the State of California." (a)

Appeal in such cases to Supreme Court.

(a) See Nos. 2321, 2322, 2325, 2330, 2337, 2338, 2339, 2342, 2345, 2353, 2371.

March 3, 1855.
Vol. 10, p. 699.

No. 2333.—AN ACT making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, one thousand eight hundred and fifty-six, and for other purposes.

Indians in California.

Reservations for.

Repeal of part of act of 1853, as to agencies in California and of act of 1854.

For collecting, removing, and subsisting the Indians of California, (as provided by law,) on two additional military reservations, to be selected as heretofore, and not to contain exceeding twenty-five thousand acres each, in or near the State of California, the sum of one hundred and fifty thousand dollars: *Provided*, That the President may enlarge the quantity of reservations heretofore selected, equal to those hereby provided for, and shall not expend the amount herein appropriated unless, in his opinion, the same shall be expedient; and the last proviso to the authority for five military reservations in California, per act of third of March, eighteen hundred and fifty-three, be, and the same is hereby, repealed: *Provided*, That so much of the act approved on the thirty-first of July last, as requires that no more than twenty thousand dollars shall be drawn by the superintendent of Indian affairs, or be in his hands unexpended at one and the same time, be, and the same is hereby, repealed. (a)

(a) See Nos. 2323, 2329, 2335, 2340, 2352, 2360, 2399.

June 2, 1856.
Vol. 11, p. 793.

No. 2334.—A PROCLAMATION by the President of the United States of America respecting the boundary with Mexico.

[See NEW MEXICO, No. 2138.]

March 3, 1857.
Vol. 11, p. 221.

No. 2335.—AN ACT making appropriations for certain civil expenses of the Government for the year ending the thirtieth of June, eighteen hundred and fifty-eight.

President may enlarge Mendocino reservation.

SEC. 9. And be it further enacted, That the President of the United States may enlarge the area of the reservation Mendocino by extending its boundary northward along the coast of the Pacific Ocean to the vicinity of Cape Mendocino, embracing sufficient territory for the colonization of the Indians in the coast range of mountains north of the Bay of San Francisco, and also those in the valley of the Sacramento River, but such extension shall not interfere with the preëmption claims of settlers. (a)

(a) See Nos. 2323, 2329, 2333, 2340, 2352, 2360, 2399.

No. 2336.—AN ACT to create additional land districts in the State of California, and for other purposes. March 29, 1856. Vol. 11, p. 262.

Be it enacted, &c., That the President of the United States be and he is hereby authorized to establish additional land districts, in his discretion, not exceeding three, in the State of California, and to fix, from time to time, the boundaries thereof, as the public interest may require; which districts shall, respectively, be named after the places at which the offices shall first be established; and the President shall be authorized hereafter, from time to time, as circumstances may require, to adjust the boundaries of any and all of the land districts in said State, and remove the offices when the same shall be expedient.

Three additional land districts in California authorized.

Name.

Boundaries of all land districts in the State may be adjusted and offices removed.

Register and receiver may be appointed.

Residence.

Compensation.

SEC. 2. *And be it further enacted,* That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof and until the end of the next ensuing session, a register and a receiver for each of said additional districts, who shall, respectively, be required to reside at the site of the offices, shall be subject to the same laws and responsibilities, and whose compensation shall be the same as is now prescribed by law for other land offices in that State. (a)

(a) See Nos. 2324, 2383, 2389.

No. 2337.—AN ACT to amend the act entitled "An act to ascertain and settle the private land claims in the State of California," passed March third, eighteen hundred and fifty-one. May 11, 1858. Vol. 11, p. 287.

Be it enacted, &c., That in cases pending in the district courts of the United States in California, on appeal from the decree of the commissioners to ascertain and settle the private land claims in the State of California, under the act of Congress passed March third, eighteen hundred and fifty-one, if either party shall desire to examine any witness residing in any other district within said State, or shall require the production of any paper, written instrument, book, or document, supposed to be in the possession or power of a witness residing in another district, the court wherein the case is pending, or any judge thereof, being satisfied, by affidavit or otherwise, of the materiality of such witness, or of the production of such paper, written instrument, book, or document, as evidence of the case, may order the clerk of said court to issue a subpoena, or a subpoena duces tecum for such witness and for such paper, written instrument, book, or document; which subpoena or subpoena duces tecum shall run into any other district in said State, and be served by the marshal of either district, as the court or judge may direct: And the court or judge ordering said writ shall have power to enforce obedience to said process, and punish disobedience by attachment, and in like manner as if said witness resided within the district where the cause may be pending; and all attachments and process necessary to enforce obedience or punish disobedience to the aforesaid writs of subpoena and subpoena duces tecum may be served and executed by the marshal of either district, as the court or judge may direct: *Provided,* That a witness attending the court under a subpoena issued under the provisions of this act, in a district in which he does not reside, shall be entitled to the same fees for attendance as are allowed by the laws of the State of California to witnesses in similar cases. (a)

Federal court in one district may issue a subpoena, or a subpoena duces tecum, for witnesses, &c., in the other district.

Subpoena, how served.

Authority of court to enforce obedience to the writ.

Witness fees for attendance.

(a) See Nos. 2321, 2322, 2325, 2330, 2332, 2338, 2339, 2342, 2345, 2358, 2371.

No. 2338.—AN ACT to provide for the collection and safe-keeping of public archives in the State of California. May 18, 1858. Vol. 11, p. 289.

Be it enacted, &c., That it shall be the duty of the Secretary of the Interior to cause to be collected and deposited in the surveyor-general's office in California, all official books, papers, instruments of writing, documents, archives, official seals, stamps, or dies, that may be found in the unauthorized possession of any individual, relating to and used in the administration of government and public affairs in the department of Upper California, and which belonged to the government during the existence of Spanish or Mexican authority in Upper California; and the same, when deposited in his office, shall be safely and securely kept by the surveyor-general in the archives of his office; and copies thereof, authenticated by the surveyor-general under the seal of his office, shall be evidence in all cases where the originals

Secretary of Interior to collect all official books, &c.

Copies under the seal of the surveyor-general to be evidence.

Proviso.
Schedule and
description of
said books to be
made, &c.

Surveyor-gen-
eral may have
search-warrant
for concealed
books, &c.

The wilful al-
teration or mutil-
ation, &c., the
concealment, or
the unlawful tak-
ing or withhold-
ing of such
books, &c., made
a misdemeanor,
and punishable
by fine and im-
prisonment.

The wilfully,
&c., placing any
book among the
archives, made a
misdemeanor.

Punishment.

would be evidence; *Provided*, That at the time of depositing said books, papers, writings, and documents in said archives, a schedule and accurate description thereof shall be made by the surveyor-general, with a statement of the time and place where the same were found, and when they were deposited in the archives, which shall be certified under the seal of the surveyor-general, and filed in his office; and a certified copy of said schedule shall be transmitted to the Commissioner of the General Land Office, and also to the Attorney-General.

SEC. 2. *And be it further enacted*, That if the surveyor-general shall have cause to suspect a concealment of any such official books, papers, writings, documents, archives, or official seals, stamps, or dies aforesaid, in any particular dwelling-house, building, or place, any judge or Commissioner of the United States may, on affidavit showing the facts and circumstances upon which such suspicions are founded, grant to the surveyor-general, or to any marshal of the United States, a warrant to enter such house, building, or place, and there to search for such official books, papers, writings, documents, archives, seals, stamps, or dies, and to take possession thereof and deposit them in the archives of the surveyor-general's office as aforesaid.

SEC. 3. *And be it further enacted*, That if any person shall without lawful authority wilfully take from the archives of the said surveyor-general's office any expediente, map, diseño, book, paper, writing, record, document, seal, stamp, or die; or shall wilfully alter, deface, mutilate, injure, or destroy any expediente, book, paper, map, diseño, instrument of writing, document, record, seal, stamp or die, deposited in said archives; or shall conceal or unlawfully withhold from the possession of the surveyor-general, or on demand refuse to deliver to him any expediente, map, diseño, official book, paper, writing, document, archive, record, seal, stamp or die, relating to or used in the administration of government in the department of Upper California, and belonging to the government during the existence of Spanish or Mexican authority in said department; or shall wilfully alter, deface, mutilate, make away with or destroy any such official book, expediente, map, diseño, paper, writing, document, archive, record, seal, stamp or die, the person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof in any court of competent jurisdiction, shall forfeit and pay a fine, not exceeding ten thousand dollars, at the discretion of the court, and be imprisoned for a term not exceeding ten years, at the like discretion.

SEC. 4. *And be it further enacted*, That if any person shall wilfully, secretly, and fraudulently place or cause to be placed in or among the archives of the surveyor-general's office, any expediente, book, paper, diseño, map, draught, record, or any instrument of writing purporting to be a petition, decree, order, report, concession, grant, confirmation, map, diseño, expediente, or part of an expediente, denouncement, title-paper, or evidence of right, title, or claim to any land, mine, or mineral, or any book, writing, paper, or document whatever, the person so offending shall be deemed and adjudged guilty of a misdemeanor, and upon conviction thereof by any court of competent jurisdiction, shall forfeit and pay a fine not exceeding five thousand dollars, and be imprisoned for a term not exceeding three years; or be both fined and imprisoned within said limits, at the discretion of the court. (a)

(a) See Nos. 2321, 2322, 2325, 2330, 2332, 2337, 2339, 2342, 2345, 2358, 2371.

May 18, 1853.
Vol. 11, p. 290.

NO. 2339.—AN ACT for the prevention and punishment of frauds in land titles in California.

The false mak-
ing, &c., or alter-
ing, &c., of any
instrument in
writing, &c., con-
cerning lands,
&c., in Califor-
nia, to establish
a claim against
the United
States, a misde-
meanor, and pun-
ishable by fine

Be it enacted, &c., That if any person shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited; or willingly aid and assist in the false making, altering, forging, or counterfeiting any petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente, or part of an expediente, or any title-paper, or evidence of right, title, or claim to lands, mines, or minerals in California, or any instrument of writing whatever in relation to lands or mines or minerals in the State of California; for the purpose of setting up or establishing against the United States any claim, right, or title to lands, mines, or minerals within the State of California, or for the purpose of

enabling any person to set up or establish any such claim; or if any and imprison- person, for the purposes aforesaid, or either of them, shall utter or pub- ment.
lish as true and genuine, any such false, forged, altered, or counter-
feited petition, certificate, order, report, decree, concession, denounce-
ment, deed, patent, confirmation, diseño, map, espediente or part of an
espediente, title-paper, evidence of right, title, or claim to lands or
mines or minerals in the State of California, or any instrument of writ-
ing whatever in relation to lands or mines or minerals in the State of
California, the person so offending shall be deemed and adjudged guilty
of a misdemeanor; and, being thereof duly convicted, shall be sen-
tenced to be imprisoned and kept at hard labor for a period not less
than three years, and not more than ten years, and shall be fined not
exceeding ten thousand dollars.

SEC. 2. *And be it further enacted*, That if any person shall make, or Similar provi-
cause or procure to be made, or shall willingly aid and assist in making cations against sim-
any falsely dated petition, certificate, order, report, decree, concession, ilar acts, if done
denouncement, deed, patent, confirmation, diseño, map, espediente or to establish
part of an espediente, or any title-paper, or written evidence of right, claims against
title, or claim, under Mexican authority, to any lands, mines or minerals the United
in the State of California, or any instrument of writing in relation to States by title
lands or mines or minerals in the State of California, having a false from Mexican au-
date, or falsely purporting to be made by any Mexican officer or author- thority.
ity prior to the seventh day of July, A. D. eighteen hundred and forty-
six, for the purpose of setting up or establishing any claim against the
United States to lands, or mines or minerals within the State of Cali-
fornia, or of enabling any person to set up or establish any such claim; or
if any person shall sign his name as governor, secretary, or other pub-
lic officer acting under Mexican authority, to any instrument of writing
falsely purporting to be a grant, concession, or denouncement under
Mexican authority, and during its existence in California, of lands,
mines, or minerals, or falsely purporting to be an informe, report, rec-
ord, confirmation, or other proceeding on an application for a grant,
concession, or denouncement under Mexican authority, during its ex-
istence in California, of lands, mines or minerals, the person so offend-
ing shall be deemed and adjudged guilty of a misdemeanor; and,
being thereof duly convicted, shall be sentenced to be imprisoned and
kept at hard labor for a period not less than three years, nor more than
ten years, and shall be fined not exceeding ten thousand dollars.

SEC. 3. *And be it further enacted*, That if any person, for the purpose Presenting, for
of setting up or establishing any claim against the United States to such purpose, to
lands, mines, or minerals within the State of California, shall present, any United
or cause or procure to be presented, before any court, judge, commission, States court, any
or commissioner, or other officer of the United States, any false, forged, forged, &c., pa-
altered, or counterfeited petition, certificate, order, report, decree, conces- per, or prosecu-
sion, denouncement, deed, patent, diseño, map, espediente or part of an es- ting any suit in
pediente, title-paper, or written evidence of right, title, or claim to lands, any such court,
minerals or mines in the State of California, knowing the same to be false, founded on such
forged, altered, or counterfeited, or any falsely dated petition, certificate, paper, similarly
order, report, decree, concession, denouncement, deed, patent, confirma- punished.
tion, diseño, map, espediente or part of an espediente, title-paper, or written
evidence of right, title, or claim to lands, mines, or minerals in California,
knowing the same to be falsely dated; or if any person shall prosecute
in any court of the United States, by appeal or otherwise, any claim
against the United States for lands, mines, or minerals in California, or
shall, after the passage of this act, continue to prosecute any claim now
pending in said courts against the United States for lands, mines or
minerals in California, which claim is founded upon, or evidenced by,
any petition, certificate, order, report, decree, concession, denouncement,
deed, patent, confirmation, diseño, map, espediente or part of an espedi-
ente, title paper, or written evidence of right, title, or claim, which has
been forged, altered, counterfeited, or falsely dated, knowing the same
to be forged, altered, or counterfeited, or falsely dated, the person so
offending shall be deemed and adjudged guilty of a misdemeanor; and,
on conviction thereof, shall be sentenced to be imprisoned and kept at
hard labor for a period not less than three years, nor more than ten
years, and shall be fined not exceeding ten thousand dollars. (a)

(a) See Nos. 2321, 2322, 2325, 2330, 2332, 2337, 2338, 2342, 2345, 2352, 2371.

Feb. 28, 1850.
Vol. 11, p. 400.

No. 2340.—AN ACT making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and sixty.

Reservations
for Indian pur-
poses in Califor-
nia may be in-
creased.

Proviso.

Proviso.

For the Indian service in California, to be expended under the direction of the Secretary of the Interior, fifty thousand dollars. And the Commissioner of Indian Affairs is hereby authorized, by and with the consent of the Secretary of the Interior, to increase the number of reservations for Indian purposes in the State of California: *Provided*, The aggregate amount of land so set apart for reservations shall not exceed one hundred and twenty-five thousand acres: *Provided further*, That for the new reservations hereby authorized, no Indian agents, sub-agents, overseers, or other officers or employees shall be appointed or employed under this act. (a)

(a) See Nos. 2323, 2329, 2333, 2335, 2352, 2380, 2399.

May 24, 1860.
Vol. 12, p. 22.

No. 2341.—AN ACT to authorize the President of the United States in conjunction with the State of California, to run and mark the boundary lines between the Territories of the United States and the State of California.

Commission to
run boundaries
between United
States Territo-
ries and Califor-
nia.
Boundaries.

Landmarks to
be placed at cor-
ners, &c.

California to
pay those em-
ployed by her.

Who to be em-
ployed by the
United States.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized and empowered to appoint a suitable person or persons, who, in conjunction with such person or persons as may be appointed on behalf of the State of California for the same purpose, shall run and mark the boundary lines between the Territories of the United States and the State of California; commencing at the point of intersection of the forty-second degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred and twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line in a southeasterly direction to the river Colorado at a point where it intersects the thirty-fifth degree of north latitude.

SEC. 2. *And be it further enacted*, That such landmarks shall be established at the said point of beginning, and at the other corners and on the several lines of said boundary as may be agreed on by the President of the United States, or those acting under his authority, and the said State of California or those acting under its authority: *Provided*, That the person or persons appointed and employed on the part and behalf of the State of California are to be paid by the said State: *Provided further*, That no persons except a superintendent or commissioner shall be appointed or employed in this service by the United States, but such as are required to make the necessary observations and surveys, to ascertain such line and erect suitable monuments thereon, and make return of the same. (a)

(a) See Nos. 2132, 2320, 2334.

June 14, 1860.
Vol. 13, p. 33.

No. 2342.—AN ACT to amend an act entitled an act to define and regulate the jurisdiction of the district courts of the United States in California in regard to the survey and location of confirmed private land claims.

Notice of sur-
vey of private
land claims and
approval of plat
thereof by the
surveyor-general
to be published.

Be it enacted, &c., That whenever the surveyor-general of California shall, in compliance with the thirteenth section of an act entitled "An act to ascertain and settle [the] private land claims in the State of California," approved March three, eighteen hundred and fifty-one, have caused any private land claim to be surveyed, and a plat to be made thereof, he shall give notice that the same has been done, and the survey and plat approved by him, by a publication once a week for four weeks in two newspapers, one published in the city of San Francisco, and one of which the place of publication is nearest the land, if the land is situated in the northern district of California; and once a week for four weeks in two newspapers, one published in Los Angeles, and one of which the place of publication is nearest the land, if the land is situated in the southern district of California; and until the expiration of such time, the survey and plat shall be retained in his office, subject to inspection.

District court
may order sur-
vey of private
land claim to be
returned into
court, &c.

SEC. 2. *And be it further enacted*, That the district courts of the United States for the northern and southern districts of California are hereby authorized, upon the application of any party interested, to make an order requiring any survey of a private land claim within their respective districts to be returned into the district court for ex-

amination and adjudication, and on the receipt of said order, duly certified by the clerk of either of said courts, it shall be the duty of the surveyor-general to transmit said survey and plat forthwith to the said court.

SEC. 3. *And be it further enacted*, That said order shall be granted by said courts on the application of any party whom the district courts, or the judge thereof, in vacation, shall deem to have such an interest in the survey and location of a land claim, as to make it just and proper, that he should be allowed to take testimony and to intervene for his interest therein; and if objections to the survey and location shall be made on the part of the United States, the order to return the survey into court shall be made on the motion of the district attorney founded on sufficient affidavits; and if the application for such order is made by other parties claiming to be interested in, or that their rights are affected by, such survey and location, the court, or the judge in vacation, shall proceed summarily, on affidavits or otherwise, to inquire into the fact of such interest, and shall, in its discretion, determine whether the applicant has such an interest therein, as under the circumstances of the case, to make it proper that he should be heard in opposition to the survey, and shall grant or refuse the order to return the survey and location, as shall be just: *Provided, however*, That all parties claiming interest under pre-emption, settlement, or other right or title derived from the United States, shall not be permitted to intervene separately; but the rights and interests of said parties shall be represented by the district attorney of the United States, intervening in the name of the United States, aided by counsel acting for said parties jointly if they think proper to employ such counsel; *And provided further*, That before proceeding to take the testimony, or to determine on the validity of any objection so made to the survey and location as aforesaid, the said courts shall cause notice to be given, by public advertisement, or in some other form to be prescribed by their rules, to all parties in interest, that objection has been made to such survey and location, and admonishing all parties in interest to intervene for the protection of such interest; and the said courts shall adopt rules providing for the prompt and summary decision of all controversies on surveys and locations that may arise under the provisions of this act.

Order to be granted in discretion of court, and on whose application.

Parties claiming under the United States how to intervene.

Notice to be given before testimony is taken.

Courts to make rules, &c.

SEC. 4. *And be it further enacted*, That when on the application of the party or parties interested as aforesaid, in said survey and location, the same shall be returned into court, the said parties may proceed to take testimony as to any matters necessary to show the true and proper location of the claim; such testimony to be taken in such manner, by deposition or otherwise, or by commission, as the court may direct, and, on hearing the allegations and proofs, the court shall render judgment thereon; and if, in its opinion, the location and survey are erroneous, it is hereby authorized to set aside and annul the same, or correct and modify it; and it is hereby made the duty of the surveyor-general, on being served with a certified copy of the decree of said court, forthwith to cause a new survey and location to be made, or to correct and reform the survey and location already made, so as to conform to the decree of the district court, to whom it shall be returned for confirmation and approval.

When parties interested may take testimony and how.

Court to decide on proof.

Surveyor-general to make survey conform to decree of court.

SEC. 5. *And be it further enacted*, That when, after publication as aforesaid, no application shall be made to the said court for the said order, or when said order has been refused, or when an order shall have been obtained as aforesaid, and when the district court by its decree shall have finally approved said survey and location, or shall have reformed or modified the same, and determined the true location of the claim, it shall be the duty of the surveyor-general to transmit, without delay, the plat or survey of the said claim to the General Land Office, and the patent for the land as surveyed shall forthwith be issued therefor, and no appeal shall be allowed from the order or decree as aforesaid of the said district court, unless applied for within six months from the date of the decree of said district courts, but not afterwards; and the said plat and survey so finally determined by publication, order, or decree, as the case may be, shall have the same effect and validity in law as if a patent for the land so surveyed had been issued by the United States.

When surveyor-general is to send plat or survey to General Land Office and patent to issue.

Appeal from decree of court, how made.

Effect of such plat and survey.

SEC. 6. *And be it further enacted*, That all surveys and locations heretofore made and approved by the surveyor-general of California, which

Former surveys and locations.

- tions made sub- have been returned into the said district courts, or either of them, or
ject to this act. in which proceedings are now pending for the purpose of contesting or
reforming the same, are hereby made subject to the provisions of this
act, except that in the cases so returned or pending no publication
shall be necessary on the part of the surveyor-general.
- Except, &c.
- Compensation SEC. 7. *And be it further enacted*, That, for the performance of the
of the judges. duties imposed by this act, and the act entitled "An act to ascertain
and settle [the] private land claims in the State of California, passed
March third eighteen hundred and fifty-one," there shall be allowed
to the judges of the northern and southern districts of California, as
follows: To the judge of the northern district such a sum as will, when
added to his fixed and permanent salary allowed by law and received
by him, make his compensation amount to the sum of six thousand dol-
lars per annum, and such additional compensation to be computed from
the first day of January, eighteen hundred and fifty-two; and to the
judge of the southern district such a sum as will, when added to his fixed
and permanent salary allowed by law and received by him, make his com-
pensation amount to the sum of thirty-five hundred dollars, such com-
pensation to be computed and allowed from the date of his appoint-
ment to said office, and to continue each for and during the perform-
ance of the additional services required to be performed by this act,
but not exceeding two years from and after the passage of this act.
- Judge of north- follows:
ern district.
- Southern dis- SEC. 8. *And be it further enacted*, That all costs of surveys and publi-
trict. cations, under the provisions of this act, shall be charged to and paid
by the United States, and costs of litigation in the district courts shall
abide the result thereof, and the court in its discretion may require se-
curity therefor.
- Costs of survey SEC. 9. *And be it further enacted*, That all acts and parts of acts incon-
and publication sistent with the provisions of this act are hereby repealed. (a)
to be paid by the
United States.
- Repealing SEC. 9. *And be it further enacted*, That all acts and parts of acts incon-
clause. sistent with the provisions of this act are hereby repealed. (a)
- (a) See Nos. 2321, 2322, 2325, 2330, 2332, 2337, 2338, 2339, 2345, 2358, 2371.

June 16, 1860.
Vol. 12, p. 41.

No. 2343.—AN ACT to facilitate communication between the Atlantic and Pacific States by electric telegraph.

- Proposals to be Be it enacted, &c., That the Secretary of the Treasury, under the direc-
advertised for. tion of the President of the United States, is hereby authorized and di-
rected to advertise for sealed proposals, to be received for sixty days
after the passage of this act, (and the fulfilment of which shall be guar-
anteed by responsible parties, as in the case of bids for mail contracts,) for the use by the Government of a line or lines of magnetic telegraph, to be constructed within two years from the thirty-first day of July, eighteen hundred and sixty, from some point or points on the west line of the State of Missouri, by any route or routes which the said contractors may select, (connecting at such point or points by telegraph with the cities of Washington, New Orleans, New York, Charleston, Philadelphia, Boston, and other cities in the Atlantic, Southern, and Western States,) to the city of San Francisco, in the State of California, for a period of ten years, and shall award the contract to the lowest responsible bidder or bidders, provided such proffer does not require a larger amount per year from the United States than forty thousand dollars; and permission is hereby granted to the said parties to whom said contract may be awarded, or a majority of them, and their assigns, to use until the end of the said term, such unoccupied public lands of the United States as may be necessary for the right of way and for the purpose of establishing stations for repairs along said line, not exceeding at any station one quarter-section of land, such stations not to exceed one in fifteen miles on an average of the whole distance, unless said lands shall be required by the Government of the United States for railroad and other purposes, and provided that no right to preëm[p]t any of said lands under the laws of the United States shall inure to said company, their agents or servants, or to any other person or persons whatsoever: *Provided*, That no such contract shall be made until the said line shall be in actual operation, and payments thereunder shall cease whenever the contractors fail to comply with their contract; that the Government shall at all times be entitled to priority in the use of the line or lines, and shall have the privilege, when authorized by law, of connecting said line or lines by telegraph with any military posts of the United States, and to use the same for Government purposes: *And*
- Contract to be given to lowest responsible bidder, &c.
- Right of way, &c.
- Contract not to be made until line is in operation, &c.

provided, also, That said line or lines, except such as may be constructed by the Government to connect said line or lines with the military posts open to the use of the United States, shall be open to the use of all citizens of the United States during the term of the said contract, on payment of the regular charges for transmission of dispatches: And provided, also, That such charges shall not exceed three dollars for a single dispatch of ten words, with the usual proportionate deductions upon dispatches of greater length, provided that nothing herein contained shall confer upon the said parties any exclusive right to construct a telegraph to the Pacific, or debar the Government of the United States from granting, from time to time, similar franchises and privileges to other parties.

SEC. 2. *And be it further enacted, That the said contractors, or their assigns, shall have the right to construct and maintain, through any of the Territories of the United States, a branch line, so as to connect their said line or lines with Oregon; and that they shall have the permanent right of way for said line or lines, under, or over, any unappropriated public lands and waters in the said Territories, by any route or routes which the said contractors may select, with the free use during the said term of such lands as may be necessary for the purpose of establishing stations for repairs along said line or lines, not exceeding, at any station, one quarter-section of land, such stations not to exceed one in fifteen miles on an average of the whole distance; but should any of said quarter-sections be deemed essential by the Government, or any company acting under its authority, for railroad purposes, the said contractors shall relinquish the occupancy of so much as may be necessary for the railroad, receiving an equal amount of land for like use in its stead.*

SEC. 3. *And be it further enacted, That if, in any year during the continuance of the said contract, the business done for the Government, as hereinbefore mentioned, by such contractors or their assigns, shall, at the ordinary rate of charges for private messages, exceed the price contracted to be paid as aforesaid, the Secretary of the Treasury shall, upon said accounts being duly authenticated, certify the amount of such excess to Congress: Provided, That the use of the line be given, at any time, free of cost, to the Coast Survey, the Smithsonian Institution, and the National Observatory, for scientific purposes: And provided further, That messages received from any individual, company, or corporation, or from any telegraph lines connecting with this line at either of its termini, shall be impartially transmitted in the order of their reception, excepting that the dispatches of the Government shall have priority: And provided further, That Congress shall at any time have the right to alter or amend this act. (a)*

(a) See Nos 2297, 2331, 2359, 2361.

No. 2344.—AN ACT to authorize the institution of a suit against the United States to test the title to lots numbers five and six, in the hospital square in San Francisco.

Jan. 26, 1861.
Vol. 12, p. 125.

Be it enacted, &c., That J. G. Ames, S. W. Holladay, and James Blair, and their heirs, assigns, and legal representatives be, and they are hereby, authorized to institute a suit against the United States, in the circuit court of the United States for the State of California, for the purpose of recovering from the United States, two lots of ground, numbers five and six, in the square in the city of San Francisco on which a hospital has been erected by the United States; which lots are claimed to have been acquired by the said Ames, Holladay, and Blair, by deeds executed in their favor by the sheriff of the county of San Francisco on the twenty-third day of October, eighteen hundred and fifty-one. The said suit to be commenced by citation served on the district attorney of the United States for the northern district of California: Provided, That the United States shall have the right in any suit so brought to defend their claim to the title and possession of said property, or any part thereof, on any legal or equitable grounds.

SEC. 2. *And be it further enacted, That it shall be the duty of the said district attorney, under the direction and advice of the Attorney-General of the United States, to defend any suit brought under the authority of the first section of this act, and to take all necessary measures at law or in equity for the protection and defence of the title to said lots.*

SEC. 3. *And be it further enacted, That either party may appeal or procure a writ of error to the Supreme Court of the United States from*

Lines to be open to the use of all citizens, on payment, &c.
Rates of charges.
Right granted not to be exclusive.

Branch line to Oregon.

Right of way, &c.

If Government business, at usual rates, exceeds contract price, excess to be certified to Congress.

Use to be free for certain scientific purposes.
Telegrams to be impartially transmitted.

Congress may alter, &c., this act.

How to be commenced.

United States to have all legal and equitable defenses.

District attorney to defend such suit.

Either party may appeal.

any final decision rendered by said circuit court in any suit instituted as aforesaid.

Suit to be instituted within two years.

Proceedings if final judgment is against the United States.

SEC. 4. *And be it further enacted*, That no suit shall be brought by virtue of the provisions of this act, unless the same be instituted within two years from the passage thereof.

SEC. 5. *And be it further enacted*, That in the event of a final judgment against the United States in any suit instituted as aforesaid, it shall be the duty of the proper officers of the United States, who may be in charge and possession of said lots in behalf of the Government, to deliver up to the claimants said lots, or such parts thereof as may, by said final judgment, be decreed to belong to them; and the said circuit court is hereby authorized to issue the process necessary and proper for carrying out the provisions of this act. (a)

(a) See Nos. 2358, 2365, 2384, 2406, 2408.

August 6, 1861. No. 2345.—AN ACT relative to appeals to the Supreme Court of the United States. Vol. 12, p. 319.

Be it enacted, &c., That in all cases of appeal, which have been or may hereafter be taken by both parties from the judgment or decree of any district or circuit court to the Supreme Court of the United States, Court by both parties, a transcript of the record filed in the Supreme Court of the United States by either party on his appeal may be used on both appeals; and whenever in such cases one record shall have been, or may hereafter be, filed by either party in the said Supreme Court, both appeals shall be heard thereon by the court in the same manner as if records had been filed by the appellants in both cases.

Federal district attorneys in California may certify, &c., records in all land cases.

Effect of such transcript of record.

Such attorneys may employ clerks.

Duty of clerks of courts in such cases.

Penalty.

SEC. 2. *And be it further enacted*, That the district attorney of the United States of any district in California may transcribe and certify to the Supreme Court of the United States the records of the district court of his proper district in all land cases wherein the United States is a party, upon which appeals have been or may be taken to the Supreme Court of the United States; and records so certified by such district attorney under his hand, and filed in the Supreme Court of the United States, shall be taken as true and valid transcripts, to the same intent and purpose as if certified by the clerk of the proper district court; and the said district attorneys for the districts of California shall be authorized to employ such clerks, not exceeding three in number, as may be necessary to transcribe such records, at a compensation, for each of such clerks, not exceeding one hundred and fifty dollars per month, which shall be paid out of the appropriation for special and other extraordinary expenses of California land claims; and it shall be the duty of the clerk of any district court in California, on request of the district attorney of that district, to deliver to him the records in the cases before mentioned on which appeals have been or may be taken, for the purpose of having them transcribed; and upon refusal or failure to do so, such clerk shall forfeit and pay to the United States the sum of five thousand dollars for each offence, to be recovered in an action of debt in any court of competent jurisdiction; and such clerk shall, moreover, be incapable of holding his said office of clerk, or any office under the United States. (a)

(a) See Nos. 2321, 2322, 2325, 2330, 2332, 2337, 2338, 2339, 2342, 2358, 2371.

March 14, 1862. No. 2346.—AN ACT making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending thirtieth of June, eighteen hundred and sixty-three, and additional appropriations for the year ending thirtieth of June, eighteen hundred and sixty-two.

Colorado and Utah to make one surveying district.

Nevada district united to California.

SEC. 4. *And be it further enacted*, That, from and after the first day of July next, and until otherwise ordered by the President, the Territories of Utah and Colorado shall constitute one surveying district; and the duties of surveyor-general in said district shall be performed by the surveyor-general of Colorado; and the surveying district of Nevada shall be united to that of California, the duties of the surveyor-general of the former shall be performed by the surveyor-general of California; and the transfer of the effects and archives of the said offices shall be made under the instruction of the Commissioner of the General Land Office. (a)

(a) See Nos. 2390a, 2392, 2394, 2348, 2351, 2352, 2354, 2364, 2369, 2371, 2375, 2380, 2385, 2387, 2392.

No. 2347.—AN ACT to authorize the district court of the United States for the northern district of California to hear and determine upon its merits the claim of Pedro Chaboya to a certain tract of land in California, called La Posa San Juan Bautista. April 25, 1862. Vol. 12, p. 902.

Be it enacted, &c., That the district court of the United States for the northern district of California be, and is hereby, authorized and required to hear and decide upon the merits the claim of Pedro Chaboya to a tract of land described in his amended petition, filed in said court on the fifteenth day of June, one thousand eight hundred and fifty-seven, and called "La Posa de San Juan Bautista," in the same manner and with the same jurisdiction as if the claim to the said tract of land had been duly presented to the board of land commissioners under the provisions of the act entitled "An act to ascertain and settle the private land claims in the State of California," approved March third, anno Domini eighteen hundred and fifty-one, and an appeal had been duly taken from their decision to the said district court by the said Chaboya.

Claim of Pedro Chaboya to be heard by district court.

SEC. 2. *And be it further enacted,* That on the said hearing the testimony heretofore taken in said court in relation to the said claim on behalf of the said claimant, or of the United States, may be read subject to all just exceptions to its competency, and additional testimony on either part may be taken under the direction and order of said district court as to the validity of said claim or the extent thereof.

Testimony before taken may be used.

SEC. 3. *And be it further enacted,* That an appeal may be taken from the final decision and decree of said district court to the Supreme Court of the United States by either party in accordance with the provisions of the tenth section of the said act of March third, eighteen hundred and fifty-one.

Appeal to the Supreme Court of the United States.

No. 2348.—AN ACT to reduce the expenses of the survey and sale of the public lands in the United States. May 30, 1862. Vol. 12, p. 409.

SEC. 4. *And be it further enacted,* That from and after the first day of July next, and upon the recommendation of the Commissioner of the General Land Office, approved by the Secretary of the Interior, the President may order that the Territories of Utah and Colorado shall constitute one surveying district, the duties of surveyor-general in said district to be performed by the surveyor-general of Colorado; and the surveying district of Nevada shall be united to that of California, the duties of the surveyor-general of the former to be transferred to the surveyor-general of California; and the transfer of the effects and archives of the offices to be made under the instructions of the Commissioner of the General Land Office. (a)

Utah and Colorado to make one surveying district.

Surveyor-general.

District of Nevada to be united to that of California.

Surveyor-general, &c.

SEC. 7. *And be it further enacted,* That in regard to settlements which by existing laws are authorized in certain States and Territories upon unsurveyed lands, which privilege is hereby extended to California, the presumption claimant shall be, and is hereby, in all cases, required, from and after the first day of September, eighteen hundred and sixty-two, to file his declaratory statement within three months from the date of the receipt at the district land office of the approved plat of the township embracing such presumption settlement: *Provided,* The provisions of this section shall not be held to authorize presumption and settlement of mineral lands, which are hereby exempted from the provisions of this act. (b)

Settlements upon unsurveyed lands.

California. Declaratory statement.

Mineral lands exempted.

(a) See Nos. 2320a, 2322, 2324, 2340, 2351, 2352, 2354, 2364, 2369, 2371, 2375, 2380, 2385, 2387, 2392.

(b) See Nos. 2324, 2327, 2351, 2352, 2353, 2354, 2362, 2364, 2369, 2371, 2372, 2375, 2380, 2387, 2391, 2393, 2399, 2400, 2401, 2405, 2409.

No. 2349.—AN ACT to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes. July 1, 1862. Vol. 12, p. 489.

[See NEBRASKA, No. 2092.]

July 12, 1862.
Vol. 12, p. 542.

Decree of district court of United States in California as to land claim of "Sanjon de Santa Rita," confirmed.

No. 2350.—AN ACT for relief in the land claim in California, known as the claim of Francisco Soberanes to a tract of land known as "Sanjon de Santa Rita."

Whereas, in the district court of the United States for the southern district of California, in the case of Francisco Soberanes vs. The United States, for the rancho lying in the State of California known by the name of Sanjon de Santa Rita, a decree filed on the ninth day of February, eighteen hundred and fifty-eight, was entered, confirming to the said Soberanes the said tract of land known by the name of Sanjon de Santa Rita; and whereas, on the presentation of the mandate of the Supreme Court of the United States, dismissing the appeal to the said Supreme Court of the United States in said cause, the said decree was made final by a decree of said district court, rendered on the first day of November, eighteen hundred and sixty; and whereas the land confirmed as aforesaid lies in the northern district of California, as ascertained by a final survey of the same: Therefore—

Be it enacted, &c., That the said decrees of the district court of the United States for the southern district of California shall be, and they are hereby declared to be, as valid and effectual as if the same had been rendered by the district court of the United States for the northern district of California.

March 3, 1863.
Vol. 12, p. 808.

Lines of public surveys to be extended over the Noscol Ranch in California.

Cost of survey, &c., to be first paid.

Certain individuals may enter at \$1.25 per acre.

Municipal claims.

Claims to be presented within twelve months.

Adjudication thereon.

Claims not so brought to be barred, and lands to be treated as public lands.

Reserved and mineral lands excepted.

No. 2351.—AN ACT to grant the right of preëmption to certain purchasers on the "Soccol Ranch," in the State of California.

Be it enacted, &c., That it may and shall be lawful for the Commissioner of the General Land Office to cause the lines of the public surveys to be extended over the tract of country known as the "Soccol Ranch," in California, the claim to which by Don Mariana Gaudalope Vallejo has been adjudged invalid by the Supreme Court of the United States, and to have approved plats thereof duly returned to the proper district land office: *Provided,* That the actual cost of such survey and platting shall first be paid into the surveying fund by settlers, according to the requirements of the tenth section of the act of Congress, approved thirtieth of May, eighteen hundred and sixty-two, "to reduce the expenses of the survey and sale of the public lands in the United States." (a)

SEC. 2. *And be it further enacted,* That after the return of such approved plats to the district office, it may and shall be lawful for individuals, bona-fide purchasers from said Vallejo, or his assigns, to enter, according to the lines of the public surveys, at one dollar and twenty-five cents per acre, the lands so purchased, to the extent to which the same had been reduced to possession at the time of said adjudication of said Supreme Court, joint entries being admissible by coterminous proprietors to such an extent as will enable them to adjust their respective boundaries. (b)

SEC. 3. *And be it further enacted,* That municipal claims within the limits of the said "Soccol Ranch" may be entered under the terms, limitations, and conditions of the town-site act of twenty-third of May, eighteen hundred and forty-four.

SEC. 4. *And be it further enacted,* That all claims within the purview of this act shall be presented to the register and receiver within twelve months after the return of such surveys to the district land office, accompanied by proof of bona-fide purchase under Vallejo, of settlement, and the extent to which the tracts claimed had been reduced into possession at the time of said adjudication; and thereupon each case shall be adjudged by the register and receiver under such instructions as shall be given by the Commissioner of the General Land Office, to whom the proof and adjudication shall be returned by the local land office, and no adjudication shall be final until confirmed by the said Commissioner.

SEC. 5. *And be it further enacted,* That any claim not brought before the register and receiver within twelve months, as aforesaid, shall be barred, and the lands covered thereby, with any other tracts within the limits of said "Soccol Ranch," the titles to which are not established under this act, shall be dealt with as other public lands: *Provided,* That no entry shall be made of lands reserved and occupied for military, naval, or other public uses, or which may be designated for such purposes by the President, nor shall any claim under this act extend to mineral lands.

(a) See Nos. 2320a, 2322, 2324, 2346, 2348, 2352, 2354, 2364, 2369, 2371, 2375, 2380, 2385, 2387, 2392.

(b) See Nos. 2324, 2327, 2348, 2352, 2353, 2354, 2362, 2364, 2369, 2371, 2372, 2375, 2380, 2387, 2391, 2393, 2399, 2400, 2401, 2405, 2409.

No. 2352.—AN ACT to provide for the better organization of Indian affairs in California.

April 8, 1864.
Vol. 13, p. 39.

SEC. 2. *And be it further enacted*, That there shall be set apart by the President, and at his discretion, not exceeding four tracts of land, within the limits of said State, to be retained by the United States for the purposes of Indian reservations, which shall be of suitable extent for the accommodation of the Indians of said State, and shall be located as remote from white settlements as may be found practicable, having due regard to their adaptation to the purposes for which they are intended: *Provided*, That at least one of said tracts shall be located in what has heretofore been known as the northern district: *And provided, further*, That if it shall be found impracticable to establish the reservations herein contemplated without embracing improvements made within their limits by white persons lawfully there, the Secretary of the Interior is hereby authorized and empowered to contract for the purchase of such improvements, at a price not exceeding a fair valuation thereof, to be made under his direction. But no such contract shall be valid, nor any money paid thereon, until, upon a report of said contract and of said valuation to Congress, the same shall be approved and the money appropriated by law for that purpose: *And provided, further*, That said tracts to be set apart as aforesaid may, or may not, as in the discretion of the President may be deemed for the best interests of the Indians to be provided for, include any of the Indian reservations heretofore set apart in said State, and that in case any such reservation is so included, the same may be enlarged to such an extent as in the opinion of the President may be necessary, in order to its complete adaptation to the purposes for which it is intended. (a)

Indian reservations in California.

Location.

Proviso.

Improvements in such locations to be purchased, after report to Congress.

Tracts may or may not include present reservations.

SEC. 3. *And be it further enacted*, That the several Indian reservations in California which shall not be retained for the purposes of Indian reservations under the provisions of the preceding section of this act, shall, by the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, be surveyed into lots or parcels of suitable size, and as far as practicable in conformity to the surveys of the public lands, (b) which said lots shall, under his direction, be appraised by disinterested persons at their cash value, and shall thereupon, after due advertisement, as now provided by law in case of other public lands, be offered for sale at public outcry, and thence afterward shall be held subject to sale at private entry, according to such regulations as the Secretary of the Interior may prescribe: *Provided*, That no lot shall be disposed of at less than the appraised value, nor at less than one dollar and twenty-five cents per acre: *And provided, further*, That said sale shall be conducted by the register and receiver of the land office in the district in which such reservation or reservations may be situated, in accordance with the instructions of the Department regulating the sale of public lands. (c)

Reservations not retained to be surveyed and offered for sale.

Minimum price.

Sale, how conducted.

SEC. 6. *And be it further enacted*, That hereafter, when it shall become necessary to survey any Indian or other reservations, or any lands, the same shall be surveyed under the direction and control of the General Land Office, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed. (b)

Reservations, how to be surveyed.

SEC. 8. *And be it further enacted*, That all acts or parts of acts in conflict with the provisions of this act, be, and the same are hereby, repealed; and all offices and employments connected with Indian affairs in California not provided for in this act be, and the same are hereby, abolished.

Repealing clause.

Offices, &c., abolished.

(a) See Nos. 2323, 2329, 2333, 2335, 2340, 2340, 2390.

(b) See Nos. 2320a, 2324, 2324, 2346, 2348, 2351, 2354, 2364, 2369, 2371, 2375, 2380, 2385, 2387, 2392.

(c) See Nos. 2324, 2327, 2348, 2351, 2353, 2354, 2362, 2364, 2369, 2371, 2372, 2375, 2380, 2387, 2391, 2393, 2399, 2400, 2401, 2405, 2409.

No. 2353.—AN ACT for the relief of the settlers upon certain lands in California.

May 5, 1864.
Vol. 13, p. 69.

Be it enacted, &c., That any and all persons claiming, whether as pre-emptors or settlers, or under any grant or title, any of the lands included within the exterior boundaries of a certain grant for the Rancho San Ramon, situate in the county of Contra Costa, in California, made

Claimants of certain lands within a grant

for the Rancho to Bartolo Pacheco and Mariana Castro by Don José Figueras, governor San Ramon, may of Upper California, on or about the tenth day of June, eighteen hundred and thirty-three, and which claim, or two leagues thereof, has been confirmed by the district court of the United States in separate moieties, one in the name of Horace W. Carpenter, and the other in the name of Rafael Soto de Pacheco and others, by a decree of said court made and entered on or about the fourth day of June, eighteen hundred and sixty-two, shall have the right in all courts to contest the correctness of the location of the lands so confirmed, within the said exterior boundaries, notwithstanding any official or approved survey thereof now made or hereafter to be made under the said decree of confirmation, and notwithstanding any stipulation or consent given by the district attorney of the United States authorizing such locations.

If the United States has title to any of these lands, bona-fide settlers thereon shall have a patent, &c.

When this act takes effect.

SEC. 2. *And be it further enacted*, That in case it shall be found that the United States have title to any of said lands within said exterior boundaries, which have been settled upon and improved by any person, in good faith, under a bona-fide claim of title, such occupant, and each settler upon said lands so situated, shall be entitled to enter and receive a patent for one hundred and sixty acres of land, including his improvements, upon payment, at the proper land office, of the Government price of one dollar and twenty-five cents per acre, and proving that he was one of the actual and bona-fide settlers on said lands, and had made improvements thereon before the passage of this act. (a)

SEC. 3. *And be it further enacted*, That this act shall take effect immediately.

(a) See Nos. 2324, 2327, 2342, 2351, 2352, 2354, 2362, 2364, 2369, 2371, 2372, 2375, 2380, 2387, 2391, 2393, 2399, 2400, 2401, 2405, 2409.

June 17, 1864.
Vol. 13, p. 136.

No. 2354.—AN ACT to grant the right of presumption to certain settlers on the Rancho Bolsa de Tomales, in the State of California.

Lines of public surveys to be extended over the Rancho Bolsa de Tomales, in Marin County, California.

Actual cost to be paid.

Settlers may enter their lands after the survey.

Joint entries.

Claims to be presented within what time.

Decision of register, &c., to be confirmed.

Confirmation to be final.

Claims not brought in time, to be barred.

Be it enacted, &c., That it may and shall be lawful for the Commissioner of the General Land Office to cause the lines of the public surveys to be extended over the tract of country known as the Rancho Bolsa de Tomales, in Marin County, California, the claim to which, by James D. Galbraith, has been adjudged invalid by the Supreme Court of the United States, and to have approved plats thereof duly returned to the proper district land office: *Provided*, That the actual cost of such survey and platting shall first be paid into the surveying fund by settlers, according to the requirements of the tenth section of the act of Congress approved thirtieth of May, eighteen hundred and sixty-two, "to reduce the expenses of the survey and sale of the public lands in the United States." (a)

SEC. 2. *And be it further enacted*, That after the return of such approved plats to the district office, it may and shall be lawful for individuals, settlers upon the said Rancho Bolsa de Tomales, to enter, according to the lines of the public surveys, at one dollar and twenty-five cents per acre, the land settled upon by them to the extent to which the same had been reduced to possession at the time of said adjudication of said Supreme Court, joint entries being admissible by coterminal proprietors, in order that their respective boundaries may be adjusted in accordance with their several possessions.

SEC. 3. *And be it further enacted*, That all claims within the purview of this act shall be presented to the register and receiver within twelve months after the return of such surveys to the district land office, accompanied by proof of settlement, and the extent to which the tracts claimed had been reduced into possession at the time of said adjudication; and thereupon each case shall be adjudged by the register and receiver, under such instructions as shall be given by the Commissioner of the General Land Office, to whom the proof and adjudication shall be returned by the local land office, and no adjudication shall be final until confirmed by the said Commissioner: *Provided*, That the confirmation by said Commissioner shall be conclusive and final between coterminal proprietors, and the correctness thereof shall not be open to contestation in any action at law or suit in equity between them or between parties claiming under them by title subsequent: *And provided*, That any claim not brought before the register and receiver within twelve months, as aforesaid, shall be barred, and the lands covered thereby, with any other tracts within the limits of said rancho, the titles to which are not established under this act, shall be dealt

with as other public lands, but subject to the adjudicated boundaries of the claims which are presented within the limit of the time prescribed as aforesaid: *Provided*, That no person under the provisions of this act shall be allowed to enter a greater quantity of land than three hundred and twenty acres. (b)

(a) See Nos. 2320a, 2322, 2324, 2340, 2348, 2351, 2352, 2364, 2369, 2371, 2375, 2380, 2385, 2387, 2392.

(b) See Nos. 2334, 2367, 2408, 2351, 2352, 2333, 2362, 2364, 2369, 2371, 2372, 2375, 2380, 2387, 2391, 2393, 2399, 2400, 2401, 2403, 2409.

No. 2355.—AN ACT concerning lands in the State of California.

June 30, 1864.

Vol. 13, p. 143.

Be it enacted, &c., That, under the patent of the United States, issued on the 28th day of February, 1861, to Joseph S. Alemany, as the bishop of Monterey, and his successors, for the tract of land or rancho known as Canada de los Pinos, or College Rancho, situate in the county of Santa Barbara, State of California, as described in such patent, to have and to hold the same to him and them "in trust for the religious purposes and uses" therein mentioned, it shall be lawful for the said Joseph S. Alemany and his successors, as the grantees of said patent, to sell the said tract or rancho, or any part thereof, and all proper conveyances in that behalf to make and deliver, and the proceeds thereof to apply, under the direction of the Roman Catholic archbishop of San Francisco, in the State of California, and his successors in office, or other proper authority of the Roman Catholic Church in said State, for the purposes of education anywhere within said State, not inconsistent with the laws thereof; anything in such patent, or in the original grant or concession of said tract or rancho, or other title whereby the same was acquired from and under the authorities of Spain or Mexico, to the contrary notwithstanding; and all trusts, conditions, provisions, or covenants, precedent or subsequent, expressed or implied, in said patent, grant, concession, or title, to the contrary hereof, and all breaches of the same, are hereby wholly waived, abrogated, discharged, dispensed with, and released on the part of the United States, for the purposes of this act; and any conveyance or disposition made in pursuance thereof shall operate to pass all the right and interest of the United States in said lands to the grantee. (a)

The land in Santa Barbara County, California, known as College Rancho, &c., may be sold and proceeds applied in what manner.

Breaches of conditions, &c., waived by the United States.

(a) See No. 2415.

No. 2356.—AN ACT to grant to the State of California certain lands for State prison purposes.

June 25, 1864.

Vol. 13, p. 194.

Be it enacted, &c., That the right of the United States to the lands comprising that portion of the promontory or point known as "Punta de Quintin," or "Point San Quintin," lying east of the north and south line, dividing sections number three and ten from number two and eleven in township number one north range number six west, of Mount Diablo meridian, embracing portions numbers eleven, twelve, thirteen, and fourteen of the said township number one, north range number six west, upon which the State prison of the State of California is now located, not exceeding in quantity four hundred and fifty acres, be, and the same is hereby, ceded, granted, and confirmed to the said State of California, without prejudice to the rights or claims of any other parties.

Lands granted to California for State prison purposes.

No. 2357.—AN ACT authorizing a grant to the State of California of the "Yosemite Valley," and of the land embracing the "Mariposa Big Tree Grove."

June 30, 1864.

Vol. 13, p. 323.

Be it enacted, &c., That there shall be, and is hereby, granted to the State of California the "Cleft" or "Gorge" in the granite peak of the Sierra Nevada Mountains, situated in the county of Mariposa, in the State aforesaid, and the headwaters of the Merced River, and known as the Yo-Semite Valley, with its branches or spurs, in estimated length fifteen miles, and in average width one mile back from the main edge of the precipice, on each side of the valley, with the stipulation, nevertheless, that the said State shall accept this grant upon the express conditions that the premises shall be held for public use, resort, and recreation; shall be inalienable for all time; but leases not exceeding ten years may be granted for portions of said premises. All incomes derived from leases of privileges to be expended in the preservation and improvement of the property, or the roads leading thereto; the bound-

The "Yosemite Valley" granted to California.

Conditions of grant.

Leases and income therefrom.

Boundaries, how established. *aries to be established at the cost of said State by the United States surveyor-general of California, whose official plat, when affirmed by the Commissioner of the General Land Office, shall constitute the evidence of the locus, extent, and limits of the said Cleft or Gorge; the premises to be managed by the governor of the State with eight other commissioners, to be appointed by the executive of California, and who shall receive no compensation for their services.*

"Mariposa Big Tree Grove" granted to California.

Conditions of grant.

SEC. 2. *And be it further enacted, That there shall likewise be, and there is hereby, granted to the said State of California the tracts embracing what is known as the "Mariposa Big Tree Grove," not to exceed the area of four sections, and to be taken in legal subdivisions of one quarter-section each, with the like stipulation as expressed in the first section of this act as to the State's acceptance, with like conditions as in the first section of this act as to inalienability, yet with same lease privilege; the income to be expended in preservation, improvement, and protection of the property; the premises to be managed by commissioners as stipulated in the first section of this act, and to be taken in legal subdivisions as aforesaid; and the official plat of the United States surveyor-general, when affirmed by the Commissioner of the General Land Office, to be the evidence of the locus of the said Mariposa Big Tree Grove.*

July 1, 1864.
Vol. 13, p. 332.

No. 2358.—AN ACT to expedite the settlement of titles to lands in the State of California.

When plats are made of private land claims in California, notice to be given, and surveys, &c., to be open to inspection.

Be it enacted, &c., That whenever the surveyor-general of California shall, in compliance with the thirteenth section of an act entitled "An act to ascertain and settle the private land claims in the State of California," approved March third, eighteen hundred and fifty-one, have caused any private land claim to be surveyed and a plat to be made thereof, he shall give notice that the same has been done by a publication, once a week for four consecutive weeks, in two newspapers, one published in the city of San Francisco, and one published near the land surveyed; and shall retain in his office, for public inspection, the survey and plat until ninety days from the date of the first publication in San Francisco shall have expired; and if no objections are made to said survey, he shall approve the same, and transmit a copy of the survey and plat thereof to the Commissioner of the General Land Office at Washington, for his examination and approval; but if objections are made to said survey within the said ninety days, by any party claiming to have an interest in the tract embraced by the survey, or in any part thereof, such objections shall be reduced to writing, stating distinctly the interest of the objector, and signed by him or his attorney, and filed with the surveyor-general, together with such affidavits or other proofs as he may produce in support of the objections. At the expiration of said ninety days the surveyor-general shall transmit to the Commissioner of the General Land Office at Washington a copy of the survey and plat, and objections, and proofs filed with him in support of the objections, and also of any proofs produced by the claimant and filed with him in support of the survey, together with his opinion thereon; and if the survey and plat are approved by the said Commissioner he shall indorse thereon a certificate of his approval. If disapproved by him, or if, in his opinion, the ends of justice would be subserved thereby, he may require a further report from the surveyor-general of California, touching the matters indicated by him, or proofs to be taken thereon, or may direct a new survey and plat to be made. Whenever the objections are disposed of, or the survey and plat are corrected, or a new survey and plat are made in conformity with his directions, he shall indorse upon the survey and plat adopted his certificate of approval. After the survey and plat have been, as hereinbefore provided, approved by the Commissioner of the General Land Office, it shall be the duty of the said Commissioner to cause a patent to issue to the claimant as soon as practicable after such approval.

Copies to be sent to Washington.

Approval or disapproval of Commissioner of General Land Office.

Patents, when to issue.

These provisions applicable to all surveys not approved.

proviso.

SEC. 2. *And be it further enacted, That the provisions of the preceding section shall apply to all surveys and plats by the surveyor-general of California heretofore made, which have not already been approved by one of the district courts of the United States for California, or by the Commissioner of the General Land Office: Provided, That where proceedings for the correction or confirmation of a survey are pending on the passage of this act in one of the said district courts, it shall be law-*

ful for such district court to proceed and complete its examination and determination of the matter, and its decree thereon shall be subject to appeal to the circuit court of the United States for the district in like manner, and with like effect, as hereafter provided for appeals in other cases to the circuit court; and such appeals may be in like manner disposed of by said circuit court.

SEC. 3. *And be it further enacted*, That where a plat and survey have already been approved or corrected by one of the district courts of the United States for California, and an appeal from the decree of approval or correction has already been taken to the Supreme Court of the United States, the said Supreme Court shall have jurisdiction to hear and determine the appeal. But where from such decree of approval or correction no appeal has been taken to the Supreme Court, no appeal to that Court shall be allowed, but an appeal may be taken, within twelve months after this act shall take effect, to the circuit court of the United States for California, and said circuit court shall proceed to fully determine the matter. The said circuit court shall have power to affirm or reverse or modify the action of the district court, or order the case back to the surveyor-general for a new survey. When the case is ordered back for a new survey, the subsequent survey of the surveyor-general shall be under the supervision of the Commissioner of the General Land Office, and not of the district or circuit court of the United States.

Appeals from decree of approval of survey and plat to be heard in Supreme Court.

When appeal may be taken.

New surveys.

SEC. 4. *And be it further enacted*, That whenever the district judge of any one of the district courts of the United States for California is interested in any land, the claim to which, under the said act of March third, eighteen hundred and fifty-one, is pending before him, an appeal from the board of commissioners created by said act, the said district court shall order the case to be transferred to the circuit court of the United States for California, which court shall thereupon take jurisdiction and determine the same. The said district courts may also order a transfer to the said circuit court of any other cases arising under said act, pending before them, affecting the title to lands within the corporate limits of any city or town, and in such cases both the district and circuit judges may sit. (a)

If judge of district court is interested, case to be transferred to circuit court.

Other cases may be transferred.

SEC. 5. *And be it further enacted*, That all the right and title of the United States to the lands within the corporate limits of the city of San Francisco, as defined in the act incorporating said city, passed by the legislature of the State of California, on the fifteenth of April, one thousand eight hundred and fifty-one, are hereby relinquished and granted to the said city and its successors, for the uses and purposes specified in the ordinances of said city, ratified by an act of the legislature of the said State, approved on the eleventh of March, eighteen hundred and fifty-eight, entitled "An act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city," there being excepted from this relinquishment and grant all sites or other parcels of lands which have been, or now are, occupied by the United States for military, naval, or other public uses, or such other sites or parcels as may hereafter be designated by the President of the United States, within one year after the rendition to the General Land Office, by the surveyor-general, of an approved plat of the exterior limits of San Francisco, as recognized in this section, in connection with the lines of the public surveys: *And provided*, That the relinquishment and grant by this act shall in no manner interfere with or prejudice any bona-fide claims of others, whether asserted adversely under rights derived from Spain, Mexico, or the laws of the United States, nor preclude a judicial examination and adjustment thereof. (b)

Rights of the United States to lands in San Francisco relinquished.

Certain lands devoted to public uses excepted.

Relinquishment not to affect private rights.

SEC. 6. *And be it further enacted*, That it shall be the duty of the surveyor-general of California to cause all the private land claims finally confirmed to be accurately surveyed and plats thereof to be made, whenever requested by the claimants: *Provided*, That each claimant requesting a survey and plat shall first deposit in the district court of the district within which the land is situated a sufficient sum of money to pay the expenses of such survey and plat, and of the publication required by the first section of this act. Whenever the survey and plat requested shall have been completed and forwarded to the Commissioner of the General Land Office, as required by this act, the district court may direct the application of the money deposited, or so much thereof as may be necessary, to the payment of the expenses of said survey and publication.

Confirmed private land claims to be surveyed.

Proviso.

SEC. 7. *And be it further enacted*, That it shall be the duty of the surveyor-general of California, in making surveys of the private land claims

Surveys to follow decree.

finally confirmed, to follow the decree of confirmation as closely as practicable whenever such decree designates the specific boundaries of the claim. But when such decree designates only the out-boundaries within which the quantity confirmed is to be taken, the location of such quantity shall be made, as near as practicable, in one tract and in a compact form. And if the character of the land, or intervening grants, be such as to render the location impracticable in one tract, then each separate location shall be made, as near as practicable, in a compact form. And it shall be the duty of the Commissioner of the General Land Office to require a substantial compliance with the directions of this section before approving any survey and plat forwarded to him. (a)

Separate locations.

Repeal. SEC. 8. *And be it further enacted*, That the act entitled "An act to amend an act entitled 'An act to define and regulate the jurisdiction of the district courts of the United States in California, in regard to the survey and location of confirmed private land claims,'" approved June fourteen, eighteen hundred and sixty, and all provisions of law inconsistent with this act, are hereby repealed.

(a) See Nos. 2331, 2332, 2335, 2330, 2332, 2337, 2338, 2339, 2342, 2345, 2371.

(b) See Nos. 2344, 2365, 2384, 2406, 2408.

July 1, 1864.
Vol. 13, p. 240.

No. 2359.—AN ACT to encourage and facilitate telegraphic communication between the eastern and western continents.

Preamble.

Whereas the governments of Russia and Great Britain have granted to Perry MacDonough Collins, a citizen of the United States, the right to construct and maintain a line of electric telegraph through their respective territories, from the mouth of the Amoor River, in Asiatic Russia, by way of Behring's Strait and along the Pacific Coast to the northern boundary of the United States, with a view of thereby uniting the telegraphic systems of both continents, and of promoting international and commercial intercourse; and whereas, the government of Russia, in furtherance of that object, is now constructing a line of telegraph through its Asiatic territory to unite at the mouth of the Amoor River with the line projected by said Collins; and whereas the Government of the United States desires cordially to cooperate with Russia and Great Britain in the establishment and maintenance of such a line of communication; now, therefore—

Perry MacD. *Be it enacted, &c.*, That Perry MacDonough Collins, of California, his associates and assignees, shall have the right to construct and maintain a line or lines of telegraph from any point or points on the line of the Pacific telegraph, constructed in pursuance of the act of Congress, approved June sixteen, eighteen hundred and sixty, northerly, through any of the Territories of the United States, to the boundaries of British America, with such branch lines as may be needed to open communication with the various mining districts and other settlements in said Territories. And for the purposes aforesaid, the said Collins, his associates and assignees, shall have a permanent right of way over any unappropriated public lands of the United States, together with the right to take any timber and stone for construction purposes; and for the purpose of establishing and maintaining said lines and the stations necessary for the repair and working thereof, there is hereby granted to said parties the use of so much unappropriated public lands not sold, granted, reserved, preëmpted, nor occupied by homestead settlers, as may be necessary for stations, not exceeding forty acres for each fifteen miles of line constructed across the public lands of the United States, so long as the same may be used for said purpose: *Provided, however*, That so much of section one of this act as authorizes the construction of telegraph lines to open communications with the various mining districts and other settlements in said Territories, shall be null and void, unless said branch lines shall be completed within five years from the approval hereof.

Right of way over public lands.

Grant of lands for stations.

Proviso.

Secretary of Navy may detail vessel to aid in laying telegraph. SEC. 2. *And be it further enacted*, That in order to encourage and aid the construction of said line of telegraph beyond the limits of the United States, the Secretary of the Navy is authorized to detail for the use of the surveys and soundings along that portion of the Pacific Coast both of America and Asia, where it is proposed to establish said telegraph, one steam or sailing vessel, in his discretion, to assist in surveys and soundings, laying down submerged cable, and in transporting materials connected therewith, and generally afford such assistance as may be

deemed best calculated to secure a successful promotion of the enterprise.

SEC. 3. *And be it further enacted*, That the Government of the United States shall, at all times, have priority in the use of the line or lines, so far as the same are within its territory, and shall have the right, when authorized by law, to connect said line or lines by telegraph with any military posts of the United States, and to use the same for Government purposes. And in order to secure the same from injury by savages or other evil-disposed persons, to the interruption of the public business, the Secretary of War is authorized to direct the commanders of the military districts or stations, and other officers, acting under authority of the United States in the Territories traversed by said telegraph, to use any available force at their command to protect the same. Subject to the right of prior use by the Government, as aforesaid, said line or lines shall be at all times open to the public and to any other telegraph company upon the payment of the regular charges for transmission of despatches, and all despatches received shall be transmitted over said line and lines in the order of their reception at the telegraphic office; and the answers to said despatches shall be delivered to such parties as may be directed by the sender.

Government to have priority in use of lines.

Security from injury by savages.

Lines to be open to public.

SEC. 4. *And be it further enacted*, That the better to accomplish the object of this act, namely, to promote the public interest and welfare, by facilitating international and commercial intercourse between the eastern and western continents in the construction of said telegraph, and keeping the same in working order, and to secure to the Government at all times, but particularly in time of war, the use and benefits of the same for diplomatic, naval, military, postal, commercial, and other purposes, Congress may, at any time, add to, alter, amend, or repeal this act.

Act may be altered, &c.

SEC. 5. *And be it further enacted*, That the rate of charges for public or private messages shall not exceed on said line the average usual rates in Europe and America for the same service, or such rates as shall be ascertained and fixed by a convention between the United States, Russia, and Great Britain: *Provided*, That it shall not be lawful for the owners or officers of said telegraph line to make any contract, either directly or through any intervening party or parties, for the transmission of despatches for any newspaper or newspaper association, upon terms different from those open to the enjoyment of all other newspapers or newspaper associations. (a)

Rate of charges for messages.

Despatches for newspapers, &c., to be same for all.

(a) See Nos. 2097, 2331, 2343, 2361.

No. 2360.—AN ACT to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July first, eighteen hundred and sixty-two.

July 2, 1864.
Vol. 13, p. 356.

[See NEBRASKA, No. 2006.]

No. 2361.—AN ACT for increased facilities of telegraph communication between the Atlantic and Pacific States and the Territory of Idaho.

July 2, 1864.
Vol. 13, p. 373.

[See NEBRASKA, No. 2097.]

No. 2362.—AN ACT to quiet the titles to lands within the Rancho Laguna de Santos Callé, in the State of California.

July 2, 1864.
Vol. 13, p. 372.

Be it enacted, &c., That it may and shall be lawful for all purchasers from the grantees or their assigns of lands within the Rancho Laguna de Santos Callé in the State of California, to file, within twelve months from the passage of this act, with the register of the land office at Marysville, applications describing the lands so purchased by them respectively, with proofs of bona-fide purchase from the said grantees or their assigns; and, upon such proofs being found satisfactory, the said purchasers shall be permitted to enter, according to the lines of the public surveys, at one dollar and twenty-five cents per acre, the lands so purchased within the limits of said rancho, as described in the petition presented to the board of commissioners under the act of March 3, 1851, entitled "An act to ascertain and settle the

Titles to lands in the Rancho Laguna de Santos Callé, California, quieted.

private land claims in the State of California," to the extent to which the lands so purchased have been reduced to possession, and are now held by said purchasers: *Provided*, That any person who shall avail himself of the provisions of this act shall be thereafter debarred any further claim under the grantee in the event of a final confirmation of the grant. (a.)

Costs of additional surveys.

Proviso.

Duty of registers and receivers under this act.

SEC. 2. *And be it further enacted*, That where any additional surveys may be found necessary to give full effect to this act, the Commissioner of the General Land Office shall cause such surveys to be made at the cost of the purchasers, as provided by the 10th section of the act of May 30th, 1862, entitled "An act to reduce the expenses of the survey and sale of the public lands of the United States:" *Provided*, That no entry of mineral lands or lands reserved for military or other public uses, shall be permitted under this act, nor shall any rights acquired under the pre-emption laws of the United States be affected hereby.

SEC. 3. *And be it further enacted*, That it shall be the duty of the register and receiver of the proper land office to receive all applications in cases presented under this act, pursuant to such instructions as may be prescribed by the Commissioner of the General Land Office, and to adjudge all such cases as preliminary to a final decision in due course of law.

(a) See Nos. 2324, 2327, 2348, 2351, 2352, 2353, 2354, 2364, 2369, 2371, 2372, 2375, 2380, 2387, 2391, 2393, 2399, 2400, 2401, 2405, 2409.

March 3, 1865.
Vol. 13, p. 504.

NO. 2363.—AN ACT to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July first, eighteen hundred and sixty-two, and to amend an act amendatory thereof, approved July second, eighteen hundred and sixty-four.

Assignment by Central Pacific Railroad Company to Western Pacific Railroad Company ratified.

First twenty miles of road, when to be completed.

SEC. 2. *And be it further enacted*, That the assignment made by the Central Pacific Railroad Company of California to the Western Pacific Railroad Company of said State, of the right to construct all that portion of said railroad and telegraph from the city of San José to the city of Sacramento is hereby ratified and confirmed to the said Western Pacific Railroad Company, with all the privileges and benefits of the several acts of Congress relating thereto, and subject to all the conditions thereof: *Provided*, That the time within which the said Western Pacific Railroad Company shall be required to construct the first twenty miles of their said road, shall be one year from the first day of July, eighteen hundred and sixty-five, and that the entire road shall be completed from San José to Sacramento, connecting at the latter point with the said Central Pacific Railroad, within four years thereafter. (a)

(a) See Nos. 1121, 2092, 2095, 2099, 2107, 2113, 2129, 2130, 2319, 2360, 2366, 2367, 2369, 2372, 2373, 2375, 2377, 2378, 2379, 2381, 2382, 2383, 2391, 2395, 2397, 2400, 2401, 2402, 2403, 2411, 2412.

March 3, 1865.
Vol. 13, p. 534.

NO. 2364.—AN ACT for the relief of the occupants of the lands of the ex-mission of San José, in the State of California.

Rightful occupants of the lands of the ex-mission of San José may enter and purchase the same of the United States.

Proviso.

Persons desiring the benefit of this act to present survey with-

Be it enacted, &c., That every person who has the possession rightfully as against all others except the United States, or, being out of possession, is, as against all others except as aforesaid, entitled to the possession of any portion of the tract of land situate in the county of Alameda, State of California, known as the lands of the ex-mission of San José, as included in the map and survey thereof, made October, eighteen hundred and sixty-four, by E. H. Dyer, deputy United States surveyor, shall have the right, and the right is hereby granted to each and every such person, to enter and purchase of the United States, at the sum or price of one dollar and twenty-five cents per acre, such portion of said tract so rightfully possessed by him, her, or them, or to which he, she, or they may so have such right of possession, whether such person claim the same by conveyance from or under Andres Pico and Juan B. Alvarado, or either of them, or by possession only: *Provided, however*, That any person entitled under this act to a parcel of less than eight acres shall in all such cases pay ten dollars for the same.

SEC. 2. *And be it further enacted*, That every person claiming any benefit under this act shall, within one year from the passage thereof, present to the register and receiver of the United States land office at San

Francisco a survey or plat of the portion of said tract claimed by him, in one year, and her, or them, and which shall exhibit the quarter section or sections, or parts thereof, included in said plat, made by or under the direction of the United States surveyor-general for California, and therewith a written statement setting forth the right of such claimant to enter and purchase such portion under the provisions of this act, and whether the said claimant has acquired the alleged title of said Pico and Alvarado, or either of them thereto, or holds by possession only; and thereupon such register and receiver shall, under such rules as may be prescribed by the Commissioner of the General Land Office, proceed and take, hear, and examine the evidence which may be offered in support of or against such claim, and, upon the proofs being closed, shall determine upon and decide the same: *Provided*, That no decision of said register and receiver shall be final until approved by the Commissioner of the General Land Office.

Register and receiver to take evidence, &c.

Proviso.

SEC. 3. *And be it further enacted*, That the claimant in whose favor final decision has been made, upon paying to the receiver of the land office at San Francisco for the land embraced in such final decision the sum therefor prescribed in the first section of this act, shall be entitled to a patent for such land from the United States, conveying all the interest of the United States therein to such claimant. (a)

Person in whose favor final decision is made to have patent.

SEC. 4. *And be it further enacted*, That upon all proceedings under this act being closed, and upon the appeal, taken to the Supreme Court of the United States by E. L. Beard and others, claimants of said lands against the United States, being dismissed, or the decree appealed from affirmed, the surveyor-general of the United States for California shall cause the lines of the public surveys to be extended over all portions of said land which shall not have been disposed of under the provisions hereof, and thereafter the same shall be disposed of as in the case of other public lands. (b)

Lines of public surveys to be extended over said lands, when, &c.

- (a) See Nos. 2324, 2327, 2348, 2351, 2352, 2353, 2354, 2362, 2369, 2371, 2372, 2375, 2380, 2387, 2391, 2393, 2399, 2400, 2401, 2405, 2409.
(b) See Nos. 2320a, 2322, 2324, 2346, 2348, 2351, 2352, 2354, 2369, 2371, 2375, 2380, 2385, 2387, 2392.

No. 2365.—AN ACT to quiet the title to certain lands within the corporate limits of the city of San Francisco.

March 8, 1866.
Vol. 14, p. 4.

Be it enacted, &c., That all the right and title of the United States to the land situated within the corporate limits of the city of San Francisco, in the State of California, confirmed to the city of San Francisco by the decree of the circuit court of the United States for the northern district of California, entered on the eighteenth day of May, one thousand eight hundred and sixty-five, be, and the same are hereby, relinquished and granted to the said city of San Francisco and its successors, and the claim of the said city to said land is hereby confirmed, subject, however, to the reservations and exceptions designated in said decree, and upon the following trusts, namely, that all the said land, not heretofore granted to said city, shall be disposed of and conveyed by said city to parties in the bona-fide actual possession thereof, by themselves or tenants, on the passage of this act, in such quantities and upon such terms and conditions as the legislature of the State of California may prescribe, except such parcels thereof as may be reserved and set apart by ordinance of said city for public uses: *Provided*, however, That the relinquishment and grant by this act shall not interfere with or prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, whether derived from Spain, Mexico, or the United States, or preclude a judicial examination and adjustment thereof. (a)

Right of the United States in certain lands in San Francisco released to that city, and the claim of that city confirmed, subject, &c.

Valid adverse rights not affected.

- (a) See Nos. 2344, 2358, 2364, 2406, 2408.

No. 2366.—A RESOLUTION to extend the time for the construction of the first section of the Western Pacific Railroad.

May 21, 1866.
Vol. 14, p. 356.

Resolved, &c., That the time for the construction of the first twenty miles of the "Western Pacific Railroad" be extended to the first day of January, eighteen hundred and sixty-seven; but this extension is upon the condition to be accepted by said company, and notice of such acceptance to be given by them to the Secretary of the Interior, that the lands known as the lands of the ex-mission of San

Time for completion of first section of Western Pacific Railroad extended, upon conditions, &c.

Jose as included in the map and survey thereof made October, eighteen hundred and sixty-four, by E. H. Dyer, deputy United States surveyor, shall not be included in the grant heretofore made to the said Western Pacific Railroad Company. (a)

(a) See Nos. 1191, 9092, 9096, 9099, 9107, 9113, 9199, 9130, 9349, 9360, 9363, 9377, 9369, 9379, 9373, 9375, 9377, 9378, 9379, 9381, 9382, 9383, 9391, 9395, 9397, 9400, 9401, 9402, 9403, 9411, 9412.

July 3, 1866.
Vol. 14, p. 79.

No. 2367.—AN ACT to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

[See NEBRASKA, No. 2099.]

June 12, 1866.
Vol. 14, p. 589.

No. 2368.—AN ACT to confirm the grant of certain lands to José Domingues, in California.

Land grant to José Domingues confirmed.

Survey.

Patent.

Claim of the United States only released.

Be it enacted, &c., That the grant to José Domingues of the land known as Los Prietos y Najalayegua, in the county of Santa Barbara, granted to him at Los Angeles, September twenty-four, eighteen hundred and forty-five, by Governor Pio Pico, and approved by the departmental assembly of Alta California, June third, eighteen hundred and forty-six, is hereby confirmed. And the surveyor-general of California is hereby directed to proceed and survey said lands in accordance with the original title-papers on file in his office, and when said survey shall have been approved by the Commissioner of the General Land Office, a patent shall be issued for said lands to said Domingues or parties holding under him by inheritance or otherwise. This confirmation shall only be construed as a relinquishment on the part of the United States, and shall not affect the adverse right of any person whomsoever.

July 13, 1866.
Vol. 14, p. 94.

No. 2369.—AN ACT granting aid in the construction of a railroad and telegraph line from the town of Folsom to the town of Placerville, in the State of California.

Right of way granted to the Placerville and Sacramento Railroad Company, for railroad and telegraph.

Material for construction.

Stations, workshops, &c.

Lands granted to said railroad company to aid in the construction of the road, &c.

Certain lands exempted from the grant.

"Mineral" not to include iron or coal lands.

Lands, when and how to be vested in the company.

Ten consecutive miles, &c.

Be it enacted, &c., That the right of way through the public lands be, and the same is hereby, granted to the Placerville and Sacramento Valley Railroad Company, a corporation existing under the laws of the State of California, and designated by the legislature thereof, to construct the road hereinafter named, and to its successors and assigns, for the construction of a railroad and telegraph line from the town of Folsom to the town of Placerville, in said State; and the right is hereby given to said corporation to take from the public lands adjacent to the line of said road, material for the construction thereof; said right of way is granted to said railroad to the extent of one hundred feet in width on each side of said road where it may pass over the public lands; also, all necessary ground for station-buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations.

SEC. 2. *And be it further enacted,* That there be, and is hereby, granted to the Placerville and Sacramento Valley Railroad Company, its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the route of said line of railway, every alternate section of public land, not containing gold or silver, designated by odd numbers, to the amount of ten alternate sections per mile, on each side of said railroad line, as said company may adopt, whenever, on the line thereof, the United States have full title, not reserved, sold, granted, or otherwise appropriated, and free from pre-emption or other claims or rights at the time the line of said road is definitely fixed, and a plat thereof filed in the office of the Commissioner of the General Land Office; *Provided,* That the word "mineral," when it occurs in this act, shall not be held to include iron or coal.

SEC. 3. *And be it further enacted,* That whenever said Placerville and Sacramento Valley Railroad Company shall have ten consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated, the President of the United States shall appoint three commissioners to examine the same, and if it shall appear that ten miles

of said railroad and telegraph line have been completed in a good and substantial manner, and in all respects as required by this act, the commissioners shall so report to the President of the United States, and patents of land, as aforesaid, shall be issued to said company, confirming to said company the right and title to said lands, situated opposite to and coterminous with said completed section of said road, unless said lands are covered by the exceptions of this act. And from time to time, whenever ten additional miles shall have been constructed, completed, and in readiness, as aforesaid, and verified by the commissioners to the President of the United States, then patents shall be issued to said company, conveying the additional sections of land, as aforesaid: and so on as fast as every ten miles of said road is completed, as aforesaid: *Provided*, That said commissioners named in this section shall be paid, by the company, ten dollars per day for the time actually employed, and ten cents per mile for the distance actually and necessarily travelled each way.

Commissioners.

Pay of commissioners.

SEC. 4. *And be it further enacted*, That said Placerville and Sacramento Valley Railroad shall be constructed in a substantial and workmanlike manner, with all the necessary drains, culverts, bridges, viaducts, crossings, turn-outs, stations, and watering-places, and all other appurtenances, including furniture and rolling-stock, equal in all respects to railroads of the first class, when prepared for business, with rails of the best quality, manufactured from American iron, and a uniform gauge shall be established the entire length of the road. And there shall be constructed a telegraph line of the most substantial and approved description, to be operated on the entire route: *Provided*, That said company shall not charge higher rates to the Government, its officers or agents, than they do to individuals for telegraphic service, and that the said railroad shall be and remain a public highway for the use of the Government of the United States free of all toll or other charge upon the transportation of any property or troops of the United States, and the same shall be transported over said road at the cost, charge, and expense of the corporation or company owning or operating the same when required by the United States to do so. (a)

Railroad and telegraph, how to be constructed.

Rates for telegraphic service.

Road to be a public highway, and free to the United States.

SEC. 5. *And be it further enacted*, That the President of the United States shall cause such lands to be surveyed for twenty miles in width on both sides of the entire line of said road, after the general route shall be fixed, and as fast as may be required by the construction of said railroad; (b) and the odd sections of land hereby granted shall not be liable to sale, or entry, or pre-emption, before or after they are surveyed, except by said company, as provided in this act; but the provisions of the act of September, eighteen hundred and forty-one, granting pre-emption rights, and the acts amendatory thereof and of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May twenty, eighteen hundred and sixty-two, shall be, and the same are hereby, extended to all other lands on the line of said road when surveyed, excepting those hereby granted to said company: and the sections and parts of sections of land which by the aforesaid grant shall remain in the United States within ten miles on each side of said road, shall not be sold for less than double the minimum price of public lands when sold. (c)

Lands on both sides of the line of the road to be surveyed, and the odd-numbered sections reserved.

Minimum price of lands remaining to the United States.

SEC. 6. *And be it further enacted*, That each and every grant, right, and privilege herein are so made and given to and accepted by said Placerville and Sacramento Valley Railroad Company, upon and subject to the following conditions, namely: That the said company shall commence the work on said road within one year from the approval of this act by the President, and shall complete the whole road by the fourth day of July, eighteen hundred and sixty-nine.

Conditions of grant.

Work to be begun in one year and finished by July 4, 1869.

SEC. 7. *And be it further enacted*, That the United States make the several conditioned grants herein, and that the said Placerville and Sacramento Valley Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upwards of one year, then in such case, the title to the public lands herein reserved for the construction of said road shall revert to the United States.

If any condition remains broken for one year, title to lands reverts to the United States.

SEC. 8. *And be it further enacted*, That all people of the United States shall have the right to subscribe to the stock of the said Placerville and Sacramento Valley Railroad Company until the whole capital is taken up, by complying with the terms of subscription.

Who may subscribe to the stock of the company.

Company to accept the conditions of this act in writing, and within a year.

SEC. 9. *And be it further enacted*, That the acceptance of the terms, conditions, and impositions of this act by the said Placerville and Sacramento Valley Railroad Company shall be signified in writing, under the corporate seal of the said company, duly executed, pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within one year after the passage of this act, and not afterwards, and shall be deposited with the Secretary of the Interior.

Company may accept and hold grants, donations, &c.

SEC. 10. *And be it further enacted*, That the said company is authorized to accept to its own use any grant, donation, or loan, power, franchise, aid or assistance which may be granted to or conferred upon said company by the Congress of the United States, by the legislature of any State, county, or municipal corporation, or by any corporation, person or persons, and said corporation is authorized to hold and enjoy any such grant, donation, loan, or power, franchise, aid, or assistance, to its own use, for the purpose aforesaid.

This act to be void unless \$400,000 of bona-fide subscriptions to stock are obtained, and five per cent. paid in one year.

SEC. 11. *And be it further enacted*, That unless the said Placerville and Sacramento Valley Railroad Company shall obtain bona-fide subscription to the stock of said company to the amount of four hundred thousand dollars, with five per centum paid within one year after the passage and approval of this act, it shall be null and void.

Act may be altered or repealed.

SEC. 12. *And be it further enacted*, That Congress may at any time, having due regard for the rights of said Placerville and Sacramento Valley Railroad Company, add to, alter, amend, or repeal this act. (a)

Lots in villages, towns, and cities exempted from this act.

SEC. 13. *And be it further enacted*, That all lots in villages, towns, and cities shall be exempted from, and not subject to, the operations of this act.

(a) See Nos. 1121, 2092, 2096, 2099, 2107, 2113, 2129, 2130, 2349, 2360, 2363, 2366, 2377, 2372, 2373, 2375, 2377, 2378, 2379, 2381, 2382, 2383, 2391, 2393, 2397, 2400, 2401, 2402, 2403, 2411, 2412.

(b) See Nos. 2320a, 2322, 2324, 2346, 2348, 2351, 2352, 2354, 2364, 2371, 2375, 2360, 2385, 2387, 2392.

(c) See Nos. 2324, 2327, 2348, 2351, 2352, 2353, 2354, 2362, 2364, 2371, 2372, 2375, 2380, 2387, 2391, 2393, 2399, 2400, 2401, 2405, 2409.

July 23, 1866.
Vol. 14, p. 209.

No. 2370.—AN ACT to quiet the title to certain lands within the corporate limits of the city of Benicia and the town of Santa Cruz in the State of California.

Title of the United States to land in the city of Benicia granted to that city and its successors in trust.

Be it enacted, &c., That all the right and title of the United States to the land situated within the corporate limits of the city of Benicia, in the county of Solano, State of California, as defined in the act incorporating said city, passed by the legislature of the State of California, April twenty-four, eighteen hundred and fifty-one, be, and the same are hereby, relinquished and granted to the said city and its successors, upon trust, however, that so much of said lands as is in the bona-fide occupancy of parties upon the passage of this act, by themselves or tenants, shall be conveyed by said city to such parties: *Provided, however*, That the relinquishment and grant by this act shall not extend to any lands within said corporate limits occupied as a military depot of the United States, or heretofore reserved by the United States for public purposes; nor shall they interfere with or prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, or preclude a judicial examination and adjustment thereof.

Limit to grant.

Title of the United States to land in the town of Santa Cruz granted to that town in trust.

SEC. 2. *And be it further enacted*, That all the right and title of the United States to the land within the corporate limits of the town of Santa Cruz in the State of California, as defined in the act of the legislature of that State incorporating said town, be, and the same are hereby, relinquished and granted to the corporate authorities of said town and their successors, in trust for and with authority to convey so much of said lands as are in the bona-fide occupancy of parties upon the passage of this act by themselves or tenants, to such parties: *Provided*, That this grant shall not extend to any reservation of the United States, nor prejudice any valid adverse right or claim, if such exist, to said lands or any part thereof, nor preclude a judicial examination and adjustment thereof.

Limit to grant.

July 23, 1866.
Vol. 14, p. 218.

No. 2371.—AN ACT to quiet land titles in California.

Certain lands selected by California confirmed to that State.

Be it enacted, &c., That in all cases where the State of California has heretofore made selections of any portion of the public domain in part satisfaction of any grant made to said State by any act of Congress, and has disposed of the same to purchasers in good faith under her

laws, the lands so selected shall be, and hereby are, confirmed to said State: *Provided*, That no selection made by said State contrary to existing laws shall be confirmed by this act for lands to which any adverse pre-emption, homestead, or other right has, at the date of the passage of this act, been acquired by any settler under the laws of the United States, or to any lands which have been reserved for naval, military, or Indian purposes by the United States, or to any mineral land, or to any land held or claimed under any valid Mexican or Spanish grant, or to any land which, at the time of the passage of this act, was included within the limits of any city, town, or village, or within the county of San Francisco: *And provided further*, That the State of California shall not receive under this act a greater quantity of land for school or improvement purposes than she is entitled to by law. (a)

SEC. 2. *And be it further enacted*, That where the selections named in section one of this act have been made upon land which has been surveyed by authority of the United States, it shall be the duty of the proper authorities of the State, where the same has not already been done, to notify the register of the United States land office for the district in which the land is located of such selection, which notice shall be regarded as the date of the State selection, and the Commissioner of the General Land Office shall, immediately after the passage of this act, instruct the several local registers to forward to the General Land Office, after investigation and decision, all such selections, which, if found to be in accordance with section one of this act, the Commissioner shall certify over to the State in the usual manner.

SEC. 3. *And be it further enacted*, That where the selections named in section one of this act have been made from lands which have not been surveyed by authority of the United States, but which selections have been surveyed by authority of and under the laws of said State, and the land sold to purchasers in good faith under the laws of the State, such selections shall, from the date of the passage of this act, when marked off and designated in the field, have the same force and effect as the pre-emption rights of a settler upon unsurveyed public land; and if, upon survey of such lands by the United States, the lines of the two surveys shall be found not to agree, the selection shall be so changed as to include those legal subdivisions which nearest conform to the identical land included in the State survey and selection. Upon the filing with the register of the proper United States land office of the township plat in which any such selection of unsurveyed land is located, the holder of the State title shall be allowed the same time to present and prove up his purchase and claim under this act as is allowed pre-emptors under existing laws; and if found in accordance with section one of this act, the land embraced therein shall be certified over to the State by the Commissioner of the General Land Office.

SEC. 4. *And be it further enacted*, That in all cases where township surveys have been, or shall hereafter be, made under authority of the United States, and the plats thereof approved, it shall be the duty of the Commissioner of the General Land Office to certify over to the State of California, as swamp and overflowed, all the lands represented as such, upon such approved plats, within one year from the passage of this act, or within one year from the return and approval of such township plats. The Commissioner shall direct the United States surveyor-general for the State of California to examine the segregation maps and surveys of the swamp and overflowed lands made by said State; and where he shall find them to conform to the system of surveys adopted by the United States, he shall construct and approve township plats accordingly, and forward to the General Land Office for approval: (b)

Provided, That in segregating large bodies of land, notoriously and obviously swamp and overflowed, it shall not be necessary to subdivide the same, but to run the exterior lines of such body of land. In case such State surveys are found not to be in accordance with the system of United States surveys, and in such other townships as no survey has been made by the United States, the Commissioner shall direct the surveyor-general to make segregation surveys, upon application to said surveyor-general by the governor of said State, within one year of such application, of all the swamp and overflowed land in such townships, and to report the same to the General Land Office, representing and describing what land was swamp and overflowed under the grant, according to the best evidence he can obtain. If the authorities of said State shall claim as swamp and overflowed any land not represented as

Certain selections not confirmed.

State not to receive more land for school, &c., purposes than she is entitled to.

Where selections are upon lands surveyed by authority of the United States register to be notified.

Notice to be the date of State selection.

Commissioner of General Land Office to do what.

Where selections are upon lands surveyed only by State authority, and lands are sold, selections to have same effect as certain pre-emption rights.

If on survey by the United States the lines of the two surveys do not agree, selection to be changed.

Upon filing township plat, holder of State title allowed what time to present, &c., his claim.

Where townships have been made and plats approved, swamp and overflowed lands to be certified to State within one year.

Segregation maps, &c., of swamp and overflowed lands made by State to be examined, &c.

If found to conform to United States surveys.

If found not to conform.

If State claims as swamp, &c.,

lands any not so represented in map, character of land how to be determined. such upon the map or in the returns of the surveyors, the character of such land at the date of the grant, September twenty-eight, eighteen hundred and fifty, and the right to the same, shall be determined by testimony, to be taken before the surveyor-general, who shall decide the same, subject to the approval of the Commissioner of the General Land Office.

Lists of lands selected and of a swamp, &c., lands claimed by State, to be sent to General Land Office. SEC. 5. *And be it further enacted*, That it shall be the duty of the Commissioner of the General Land Office to instruct the officers of the local land offices and the surveyor-general, immediately after the passage of this act, to forward lists of all selections made by the State referred to in section one of this act, and lists and maps of all swamp and overflowed lands claimed by said State, or surveyed as provided in this act, for final disposition and determination, which final disposition shall be made by the Commissioner of the General Land Office without delay.

State may select for school purposes lands in lieu of certain sixteen and thirty-sixth sections. SEC. 6. *And be it further enacted*, That an act entitled "An act to provide for the survey of the public lands in California, the granting of pre-emption rights therein, and for other purposes," approved March third, one thousand eight hundred and fifty-three, shall be construed as giving the State of California the right to select for school purposes other lands in lieu of such sixteenth and thirty-sixth sections as were settled upon prior to survey, reserved for public uses, covered by grants made under Spanish or Mexican authority, or by other private claims, or where such sections would be so covered if the lines of the public surveys were extended over such lands, which shall be determined whenever township lines shall have been extended over such land, and in case of Spanish or Mexican grants, when the final survey of such grants shall have been made. The surveyor-general for the State of California shall furnish the State authorities with lists of all such sections so covered, as a basis of selection, such selections to be made from surveyed lands, and within the same land district as the section for which the selection is made. (a)

Surveyor-general to furnish State authorities with lists.

Purchasers of lands of Mexican grantees, the grants being subsequently rejected, &c., may buy same at minimum price, &c. SEC. 7. *And be it further enacted*, That where persons in good faith, and for a valuable consideration, have purchased lands of Mexican grantees or assigns, which grants have subsequently been rejected, or where the lands so purchased have been excluded from the final survey of any Mexican grant, and have used, improved, and continued in the actual possession of the same as according to the lines of their original purchase, and where no valid adverse right or title (except of the United States) exists, such purchasers may purchase the same, after having such lands surveyed under existing laws, at the minimum price established by law, upon first making proof of the facts as required in this section, under regulations to be provided by the Commissioner of the General Land Office, joint entries being admissible by coterminal proprietors to such an extent as will enable them to adjust their respective boundaries: *Provided*, That the provisions of this section shall not be applicable to the city and county of San Francisco: *Provided*, That the right to purchase herein given shall not extend to lands containing mines of gold, silver, copper, or cinnabar: (c) *Provided*, That whenever it shall be made to appear by petition from the occupants of such land that injury to permanent improvements would result from running the lines of the public surveys through such permanent improvements, the Commissioner of the General Land Office may recognize existing lines of subdivisions. (b)

Limit of such right to purchase.

Lines of public surveys when not to run through permanent improvements.

Where claims to land by title from Spanish, &c., authorities, have been confirmed, and a survey and plat thereof not requested within ten months, &c., lines of surveys to be extended over said land, and quantity set off.

Land not set off, subject to general land laws of the United States.

SEC. 8. *And be it further enacted*, That in all cases where a claim to land by virtue of a right or title derived from the Spanish or Mexican authorities has been finally confirmed, and a survey and plat thereof shall not have been requested within ten months from the passage of this act, as provided by sections six and seven of the act of July first, eighteen hundred and sixty-four, "To expedite the settlement of titles to lands in the State of California," and in all cases where a like claim shall hereafter be finally confirmed, and a survey and plat thereof shall not be requested, as provided by said sections within ten months after the passage of this act, or any final confirmation hereafter made, it shall be the duty of the surveyor-general of the United States for California, as soon as practicable after the expiration of ten months from the passage of this act, or such final confirmation hereafter made, to cause the lines of the public surveys to be extended over such land, and he shall set off, in full satisfaction of such grant, and according to the lines of the public surveys, the quantity of land confirmed in such

final decree, and as nearly as can be done in accordance with such decree; and all the land not included in such grant as so set off shall be subject to the general land laws of the United States: *Provided*, That nothing in this act shall be construed so as in any manner to interfere with the right of bona-fide pre-emption claimants.

SEC. 9. *And be it further enacted*, That from the decrees of the district courts of the United States for the district of California, approving or correcting the surveys of private land claims under Spanish or Mexican grants, rendered after the first day of July, one thousand eight hundred and sixty-five, an appeal shall be allowed for the period of one year after the entry of such decrees to the circuit court of the United States for California, as provided by section three of the act of July first, one thousand eight hundred and sixty-four, to expedite the settlement of titles to land in the State of California, and the decision of the circuit court shall be final: *Provided, however*, That from decrees of the district courts, as aforesaid, made after July one, eighteen hundred and sixty-five, and prior to the passage of this act, an appeal may be taken to the United States circuit court for the State of California within one year from the approval of this act. (d)

(a) See Nos. 2334, 2409.

(b) See Nos. 2320a, 2322, 2324, 2346, 2348, 2351, 2352, 2354, 2364, 2369, 2375, 2380, 2385, 2387, 2392.

(c) See Nos. 2324, 2327, 2348, 2351, 2352, 2353, 2354, 2362, 2364, 2369, 2372, 2375, 2380, 2387, 2391, 2394, 2399, 2400, 2401, 2413, 2409.

(d) See Nos. 2321, 2324, 2325, 2330, 2332, 2337, 2338, 2339, 2342, 2345, 2358.

Rights of bona-fide pre-emption claimants not interfered with.

Appeals from decrees of district courts respecting surveys of certain private land claims after July 1, 1865, to circuit court.

Decision of circuit court to be final.

Appeal from certain decrees of district courts.

No. 2372.—AN ACT granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon.

July 25, 1866.
Vol. 14, p. 239.

Be it enacted, &c., That the "California and Oregon Railroad Company," organized under an act of the State of California, to protect certain parties in and to a railroad survey, "to connect Portland, in Oregon, with Marysville, in California," approved April sixth, eighteen hundred and sixty-three, and such company organized under the laws of Oregon as the legislature of said State shall hereafter designate, be, and they are hereby, authorized and empowered to lay out, locate, construct, finish, and maintain a railroad and telegraph line between the city of Portland, in Oregon, and the Central Pacific Railroad, in California, in the manner following, to wit: The said California and Oregon Railroad Company to construct that part of the said railroad and telegraph within the State of California, beginning at some point (to be selected by said company) on the Central Pacific Railroad in the Sacramento Valley, in the State of California, and running thence northerly, through the Sacramento and Shasta valleys, to the northern boundary of the State of California; and the said Oregon company to construct that part of the said railroad and telegraph line within the State of Oregon, beginning at the city of Portland, in Oregon, and running thence southerly, through the Willamette, Umpqua, and Rogue River valleys to the southern boundary of Oregon, where the same shall connect with the part aforesaid to be made by the first-named company: *Provided*, That the company completing its respective part of the said railroad and telegraph from either of the termini herein named to the line between California and Oregon before the other company shall have likewise arrived at the same line, shall have the right, and the said company is hereby authorized, to continue in constructing the same beyond the line aforesaid, with the consent of the State in which the unfinished part may lie, upon the terms mentioned in this act, until the said parts shall meet and connect, and the whole line of said railroad and telegraph shall be completed.

The California and Oregon Railroad Company, and an Oregon company, may locate and construct a railroad and telegraph line between Portland, Oregon, and the Central Pacific Railroad in California.

What part the California and Oregon Company to build.

The company first completing its part, may continue its road with consent of State.

SEC. 2. *And be it further enacted*, That there be, and hereby is, granted to the said companies, their successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the line of said railroad, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile (ten on each side) of said railroad line; and when any of said alternate sections or parts of sections shall be found to have been granted, sold, reserved, occupied by homestead settlers, pre-empted, or otherwise disposed of, other lands, designated as aforesaid, shall be selected by said companies in lieu thereof, under

Grant of public lands, not mineral, to said companies, to aid in the construction of road, &c.

If any sections of land have been sold, or are occupied, other lands

may be selected the direction of the Secretary of the Interior, in alternate sections in lieu thereof.

When maps of survey are filed, lands to be withdrawn from sale.

Lands granted to be applied to building road in the States where they lie.

Remaining lands to be sold for what price.

Settlers under pre-emption laws may purchase at what prices.

Under homestead act may have not over eighty acres.

Right of way through public lands granted to said companies.

Materials for construction from adjacent lands.

Extent of grant of right of way.

Land for stations, &c.

When and how patents for these granted lands shall issue to said companies.

Conditions of grants.

Railroad to be a public highway and free to the United States.

designated by odd numbers as aforesaid, nearest to and not more than ten miles beyond the limits of said first-named alternate sections; and as soon as the said companies, or either of them, shall file in the office of the Secretary of the Interior a map of the survey of said railroad, or any portion thereof, not less than sixty continuous miles from either terminus, the Secretary of the Interior shall withdraw from sale public lands herein granted on each side of said railroad, so far as located and within the limits before specified. The lands herein granted shall be applied to the building of said road within the States, respectively, wherein they are situated. (a) And the sections and parts of sections of land which shall remain in the United States within the limits of the aforesaid grant shall not be sold for less than double the minimum price of public lands when sold: *Provided*, That bona-fide and actual settlers under the pre-emption laws of the United States may, after due proof of settlement, improvement, and occupation, as now provided by law, purchase the same at the price fixed for said lands at the date of such settlement, improvement, and occupation: *And provided, also*, That, settlers under the provisions of the homestead act, who comply with the terms and requirements of said act, shall be entitled, within the limits of said grant, to patents for an amount not exceeding eighty acres of the land so reserved by the United States, anything in this act to the contrary notwithstanding. (b)

SEC. 3. *And be it further enacted*, That the right of way through the public lands be, and the same is hereby, granted to said companies for the construction of said railroad and telegraph line; and the right, power, and authority are hereby given to said companies to take from the public lands adjacent to the line of said road, earth, stone, timber, water, and other materials for the construction thereof. Said right of way is granted to said railroad to the extent of one hundred feet in width on each side of said railroad where it may pass over the public lands, including all necessary grounds for stations, buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, water-stations, or any other structures required in the construction and operating of said road.

SEC. 4. *And be it further enacted*, That whenever the said companies, or either of them, shall have twenty or more consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated by this act, the President of the United States shall appoint three commissioners, whose compensation shall be paid by said company, to examine the same, and if it shall appear that twenty consecutive miles of railroad and telegraph shall have been completed and equipped in all respects as required by this act, the said commissioners shall so report under oath to the President of the United States, and thereupon patents shall issue to said companies, or either of them, as the case may be, for the lands hereinbefore granted, to the extent of said coterminous with the completed section of said railroad and telegraph line as aforesaid; and from time to time, whenever twenty or more consecutive miles of the said road and telegraph shall be completed and equipped as aforesaid, patents shall in like manner issue upon the report of the said commissioners, and so on until the entire railroad and telegraph authorized by this act shall have been constructed, and the patents of the lands herein granted shall have been issued.

SEC. 5. *And be it further enacted*, That the grants aforesaid are made upon the condition that the said companies shall keep said railroad and telegraph in repair and use, and shall at all times transport the mails upon said railroad, and transmit despatches by said telegraph line for the Government of the United States, when required so to do by any department thereof, and that the Government shall at all times have the preference in the use of said railroad and telegraph therefor at fair and reasonable rates of compensation, not to exceed the rates paid by private parties for the same kind of service. And said railroad shall be and remain a public highway for the use of the Government of the United States, free of all toll or other charges upon the transportation of the property or troops of the United States; and the same shall be transported over said road at the cost, charge, and expense of the corporations or companies owning or operating the same, when so required by the Government of the United States.

SEC. 6. *And be it further enacted*, That the said companies shall file their assent to this act in the Department of the Interior within one year after the passage hereof, and shall complete the first section of twenty miles of said railroad and telegraph within two years, and at least twenty miles in each year thereafter, and the whole on or before the first day of July, one thousand eight hundred and seventy-five; and the said railroad shall be of the same gauge as the "Central Pacific Railroad" of California, and be connected therewith.

Companies when to file assent to this act.
Rate of progress to be made.
Gauge.
To be connected with Central Pacific Railroad.

SEC. 7. *And be it further enacted*, That the said companies named in this act are hereby required to operate and use the portions or parts of said railroad and telegraph mentioned in section one of this act for all purposes of transportation, travel, and communication, so far as the Government and public are concerned, as one connected and continuous line; and in such operation and use to afford and secure to each other equal advantages and facilities as to rates, time, and transportation, without any discrimination whatever, on pain of forfeiting the full amount of damage sustained on account of such discrimination, to be sued for and recovered in any court of the United States, or of any State, of competent jurisdiction.

Companies to use and operate road as one continuous line, and to secure to each other equal advantages, &c.

SEC. 8. *And be it further enacted*, That in case the said companies shall fail to comply with the terms and conditions required, namely, by not filing their assent thereto as provided in section six of this act, or by not completing the same as provided in said section, this act shall be null and void, and all the lands not conveyed by patent to said company or companies, as the case may be, at the date of any such failure, shall revert to the United States. And in case the said road and telegraph line shall not be kept in repair and fit for use, after the same shall have been completed, Congress may pass an act to put the same in repair and use, and may direct the income of said railroad and telegraph line to be thereafter devoted to the United States, to repay all expenditures caused by the default and neglect of said companies or either of them, as the case may be, or may fix pecuniary responsibility, not exceeding the value of the lands granted by this act.

If companies fail to comply with certain conditions, this act to be void, and the lands not conveyed to revert to the United States.
If road and telegraph line are not kept in repair Congress may, &c.

SEC. 9. *And be it further enacted*, That the said "California and Oregon Railroad Company" and the said "Oregon Company" shall be governed by the provisions of the general railroad and telegraph laws of their respective States, as to the construction and management of the said railroad and telegraph line hereinbefore authorized, in all matters not provided for in this act. Wherever the word "company" or "companies" is used in this act it shall be construed to embrace the words, "their associates, successors, and assigns," the same as if the words had been inserted, or thereto annexed.

The companies to be governed by the laws of their respective States.

SEC. 10. *And be it further enacted*, That all mineral lands shall be excepted from the operation of this act; but where the same shall contain timber, so much of the timber thereon as shall be required to construct said road over such mineral land is hereby granted to said companies: *Provided*, That the term "mineral lands" shall not include lands containing coal and iron.

The word "company" to include "associates, successors, and assigns."
Mineral lands excepted from this grant.
Timber for construction.
"Mineral" not coal and iron.

SEC. 11. *And be it further enacted*, That the said companies named in this act shall obtain the consent of the legislatures of their respective States, and be governed by the statutory regulations thereof in all matters pertaining to the right of way, wherever the said road and telegraph line shall not pass over or through the public lands of the United States.

Companies to obtain consent of States, where road and telegraph line do not pass through public lands.

SEC. 12. *And be it further enacted*, That Congress may at any time, having due regard for the rights of said California and Oregon railroad companies, add to, alter, amend, or repeal this act. (a)

Act may be amended, &c.

(a) See Nos. 1121, 2092, 2096, 2099, 2107, 2113, 2129, 2130, 2349, 2360, 2363, 2366, 2367, 2369, 2373, 2375, 2377, 2378, 2379, 2381, 2382, 2383, 2391, 2395, 2397, 2400, 2401, 2402, 2403, 2411, 2412.

(b) See Nos. 2324, 2327, 2349, 2351, 2352, 2353, 2354, 2362, 2364, 2369, 2371, 2375, 2380, 2387, 2391, 2393, 2399, 2400, 2401, 2405, 2409.

No. 2373.—AN ACT granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast.

July 27, 1866.
Vol. 14, p. 392.

[See MISSOURI, No. 1121.]

March 1, 1867.
Vol. 14, p. 418.

Right of the United States to land in the towns of Santa Clara and Petaluma, Cal., relinquished to those towns, &c.

The grant not to extend to any reservation; nor prejudice adverse rights; nor preclude judicial examinations.

No. 2374.—AN ACT to quiet title to land in the the towns of Santa Clara and Petaluma, in the State of California.

Be it enacted, &c., That all the right and title of the United States to the land situated within the corporate limits of the towns of Santa Clara and Petaluma, in the State of California, as defined in the acts of the legislature of that State incorporating said towns, be, and the same are hereby, relinquished and granted to the corporate authorities of said towns and their successors, in trust, for and with authority to convey so much of said land as is in the bona-fide occupancy of parties upon the passage of this act, by themselves or tenants, to such parties: *Provided,* That this grant shall not extend to any reservation of the United States, nor prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, nor preclude a judicial examination and adjustment thereof.

March 2, 1867.
Vol. 14, p. 548.

Right of way through public lands granted to the Stockton and Copperopolis Railroad Company.

Route. Material from adjacent lands. Extent of grant. Ground for stations, &c. Condition of grant.

Grant of public land to California to aid in construction of said road.

Alternate sections.

Lands in lieu of those reserved, &c.

Those containing gold, silver, or copper exempted from act.

"Mineral" not to include iron or coal.

Patents to issue for lands as sections of 10 consecutive miles of road are ready for service.

Commissioners.

No. 2375.—AN ACT granting lands to aid in the construction of a railroad from the city of Stockton to the town of Copperopolis, in the State of California.

Be it enacted, &c., That the right of way through the public lands be, and the same is hereby, granted to the Stockton and Copperopolis Railroad Company, a corporation organized under the laws of the State of California, its successors and assigns, for the construction of a railroad from the city of Stockton to the town of Copperopolis, in the State of California, by the most feasible route, to be selected by said company; and the right is hereby given to said company to take from the public lands adjacent to the line of said road material for the construction thereof. Said right of way is granted to said company to the extent of one hundred feet in width on each side of said road where it may pass through the public domain; also all necessary ground for station-buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations: *Provided,* That all the rights conferred upon said railroad company by this act are made upon the express condition that said company shall first be designated by the legislature of the State of California as the company to be vested with the rights, privileges, franchises, and grants created or conferred by this act.

SEC. 2. *And be it further enacted,* That there be, and is hereby, granted to the State of California, for the construction of the said Stockton and Copperopolis railroad, its successors and assigns, for the purpose of aiding in the construction of the said railroad, upon the condition prescribed in section one of this act, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the route of said line of railway, every alternate section of public land designated by odd numbers to the extent of five alternate sections on each side of said railroad line as said company may adopt, whenever on the line thereof the United States have full title, not reserved, sold, granted, or otherwise appropriated, and free from pre-emption or other claims or rights at the time the line of said road is definitely fixed and a plot thereof filed in the office of the Commissioner of the General Land Office. And whenever, prior to said time, any of said sections or parts of sections shall have been granted, sold, reserved, or covered by private land grants, or occupied by homestead settlers, or pre-empted, or otherwise disposed of, other lands shall be selected by said company, in lieu thereof, on the line of said road, within twenty miles of the same, under the direction of the Secretary of the Interior, in alternate sections, and designated by odd numbers: *Provided,* That all lands containing gold or silver, or copper, be, and the same are hereby, excluded from the operations of this act, and in lieu thereof a like quantity of unoccupied and unappropriated lands, in odd-numbered sections, within the said twenty miles of the line of said road, may be selected as above provided: *And provided further,* That the word "mineral," when it occurs in this act, shall not be held to include iron or coal.

SEC. 3. *And be it further enacted,* That whenever said railroad company shall have ten consecutive miles of any portion of said railroad ready for the service contemplated, the Pacific Railroad commissioners shall examine the same; and if it shall appear that ten miles of said road have been completed in a good and substantial manner, and in all respects as required by this act, the commissioners shall so report to the President of the United States, and patents of lands, as aforesaid, shall be issued to said company, confirming to said company the right and title to said lands hereinbefore granted, situated opposite to and coterminous with said completed section of said road, within twenty miles

thereof. And from time to time, whenever ten additional miles shall have been constructed, completed, and in readiness as aforesaid, and verified by the commissioners to the President of the United States, then patents shall be issued to said company, conveying the additional sections of land as aforesaid, and so on as fast as every ten miles of said road is completed. The services of said commissioners under this act shall be paid by said company.

Commissioners to be paid by the company.

SEC. 4. *And be it further enacted*, That said railroad shall be constructed in a substantial and workmanlike manner, with all the necessary draws, culverts, bridges, viaducts, crossings, turn-outs, stations, and watering-places, and all other appurtenances, including furniture and rolling-stock, equal in all respects to railroads of the first class when prepared for business, with rails of the best quality; and a uniform gauge with the Pacific Railroad shall be established the entire length of the road. (a)

Railroad, how to be constructed.

Gauge.

SEC. 5. *And be it further enacted*, That the President of the United States shall cause the lands to be surveyed for twenty miles in width on both sides of the entire line of the said road, after the general route shall be fixed, and as fast as may be required by the construction of said railroad; (b) and the odd sections of land hereby granted shall not be liable to sale or entry, or pre-emption, before or after they are surveyed, except by said company, as provided in this act; but the provisions of the act of September, eighteen hundred and forty-one, granting pre-emption rights, and the acts amendatory thereof, and of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May twenty, eighteen hundred and sixty-two, shall be, and the same are hereby, extended to all other lands on the line of said road when surveyed, excepting those hereby granted to said company; and the sections and parts of sections which shall remain in the United States within ten miles of said railroad on each side thereof shall not be sold for less than two dollars and fifty cents per acre. (c)

Lands on both sides of road to be surveyed.

Odd sections not liable to entry, &c., except, &c.

SEC. 6. *And be it further enacted*, That each and every grant, right, and privilege are so made and given to and accepted by said Stockton and Copperopolis Railroad Company upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than ten miles per year after the second year, and shall construct, furnish, equip, and complete the whole road by the fourth day of July, eighteen hundred and seventy-two; and upon a failure of said company to comply with either of said conditions, the lands then unpatented to said company shall revert to the United States.

Conditions of grant.

Time of commencing and completing road.

Unpatented lands to revert.

SEC. 7. *And be it further enacted*, That the United States make the several conditioned grants herein, and that the said Stockton and Copperopolis Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions thereof, and allow the same to continue for upwards of one year, then, in such case, at any time hereafter, Congress may do any and all acts and things which may be needful and necessary to insure a speedy completion of said road.

If conditions of grant remain broken one year, Congress may complete the road.

SEC. 8. *And be it further enacted*, That said Stockton and Copperopolis Railroad, or any part thereof, shall be a post-route and military railroad, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation, and all troops and munitions of war of the United States shall be transported over the said railroad free of all expense or charge to the Government therefor, whenever the same shall be required by the Government of the United States.

Railroad made a post-route and military road.

Transportation for the United States to be free.

SEC. 9. *And be it further enacted*, That the acceptance of the terms, conditions, and impositions of this act, by the said Stockton and Copperopolis Railroad Company, shall be signified in writing, under the corporate seal of the said company, duly executed pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within two years after the passage of this act, and not afterward, and shall be served on the President of the United States, and filed in the office of the Secretary of the Interior.

Conditions of grant to be accepted, how and when.

SEC. 10. *And be it further enacted*, That unless the said Stockton and Copperopolis Railroad Company shall obtain bona-fide subscription to the stock of said company to the amount of two hundred thousand

This act to be void unless, &c.

Subscription to dollars, with five per centum paid within two years after the passage and payment of stock. and approval of this act, it shall be null and void.

Act may be re- SEC. 11. *And be it further enacted*, That Congress may, at any time, pealed, &c. having due regard for the rights of said railroad company, add to, alter, amend, or repeal this act. (a)

Town and vil- SEC. 12. *And be it further enacted*, That lots in towns and villages lage lots exempt- shall be exempt from the provisions of this act. ed.

(a) See Nos. 1121, 2092, 2096, 2099, 2107, 2113, 2129, 2130, 2349, 2360, 2363, 2366, 2367, 2369, 2372, 2373, 2377, 2378, 2379, 2381, 2382, 2383, 2391, 2395, 2397, 2400, 2401, 2402, 2403, 2411, 2412.

(b) See Nos. 2320a, 2322, 2324, 2346, 2348, 2351, 2352, 2354, 2364, 2369, 2371, 2380, 2385, 2387, 2392.

(c) See Nos. 2324, 2327, 2348, 2351, 2352, 2353, 2354, 2362, 2364, 2367, 2371, 2372, 2380, 2387, 2391, 2393, 2399, 2400, 2401, 2405, 2409.

June 8, 1868.
Vol. 15, p. 67.

No. 2376.—AN ACT to further provide for giving effect to the various grants of public lands to the State of Nevada.

Selection of ag-
ricultural col-
lege lands by
California.

SEC. 4. *And be it further enacted*, That the lands granted to the State of California for the establishment of an agricultural college by the act of July second, eighteen hundred and sixty-two, and acts amendatory thereto, may be selected by said State from any lands within said State subject to pre-emption and sale: *Provided*, That this privilege shall not extend to lands upon which there may be rightful claims under the pre-emption and homestead laws, nor to mineral lands: *And provided further*, That if lands be selected as aforesaid, the minimum price of which is two dollars and fifty cents per acre, each acre so selected shall be taken by the State in satisfaction of two acres, the minimum price of which is one dollar and twenty-five cents per acre: *And provided further*, That such selections shall be made in every other respect subject to the conditions, restrictions, and limitations contained in the acts hereby modified. (a)

(a) See No. 2392.

June 25, 1868.
Vol. 15, p. 79.

No. 2377.—AN ACT relative to filing reports of railroad companies.

[Reports of Southern Pacific and other roads to be made, when, &c.
See NEBRASKA, No. 2107.]

June 25, 1868.
Vol. 15, p. 60.

No. 2378.—AN ACT to amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon."

Time of com-
pletion of rail-
road and tele-
graph.

Be it enacted, &c., That section six of an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July twenty-fifth, eighteen hundred and sixty-six, be so amended as to provide that instead of the times now fixed in said section, the first section of twenty miles of said railroad and telegraph shall be completed within eighteen months from the passage of this act, and at least twenty miles in each two years thereafter, and the whole on or before the first day of July, anno Domini eighteen hundred and eighty. (a)

(a) See Nos. 1121, 2092, 2096, 2099, 2107, 2113, 2129, 2130, 2349, 2360, 2363, 2366, 2367, 2369, 2372, 2373, 2375, 2377, 2378, 2381, 2382, 2383, 2391, 2395, 2397, 2400, 2401, 2402, 2403, 2411, 2412.

July 25, 1868.
Vol. 15, p. 187.

No. 2379.—AN ACT to extend the time for the construction of the Southern Pacific Railroad in the State of California.

Time for South-
ern Pacific Rail-
road Company of
construction of
California to con-
struct first sec-
tion of road, &c.,
extended.
Rest of road,
when to be built.

Be it enacted, &c., That the Southern Pacific Railroad Company of the State of California shall, instead of the times now fixed by law for the construction of the first section of its road and telegraph line, have until the first day of July, eighteen hundred and seventy, for the construction of the first thirty miles, and they shall be required to construct at least twenty miles every year thereafter, and the whole line of their road within the time now provided by law. (a)

(a) See Nos. 1121, 2092, 2096, 2099, 2107, 2113, 2129, 2130, 2349, 2360, 2363, 2366, 2367, 2369, 2372, 2373, 2375, 2377, 2378, 2381, 2382, 2383, 2391, 2395, 2397, 2400, 2401, 2402, 2403, 2411, 2412.

No. 2380.—AN ACT making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending thirtieth June, eighteen hundred and sixty-nine, and for other purposes.

July 27, 1868.
Vol. 15, p. 198.

SEC. 6. *And be it further enacted,* That the Mendocino Indian reservation in California (a) be restored to the public lands of the United States, and the Secretary of the Interior shall cause the same to be surveyed (b) and offered for sale in legal subdivisions, at not less than one dollar and twenty-five cents per acre: *Provided,* That any improvement of the United States on said reservation shall be appraised by the register and receiver of the land office of the district, and be paid for by the purchaser of the land on which they are located: *Provided further,* That all improvements made by any persons on said reservation before the passage of this act, shall be the sole property of the person making them, who shall have priority of purchase of six hundred and forty acres of land covering and adjoining said improvements, and all said lands shall be sold and disposed of for money only. (c)

Mendocino Indian reservation in California to be restored to public lands, and offered for sale.
Proviso.

Improvements.

- (a) See Nos. 2323, 2329, 2333, 2335, 2340, 2352, 2399.
(b) See Nos. 2320a, 2322, 2324, 2348, 2348, 2351, 2352, 2354, 2364, 2369, 2371, 2375, 2385, 2387, 2392.
(c) See Nos. 2324, 2327, 2348, 2351, 2352, 2353, 2354, 2362, 2364, 2369, 2371, 2372, 2375, 2387, 2391, 2393, 2399, 2400, 2401, 2405, 2406.

No. 2381.—AN ACT to amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July twenty-five, eighteen hundred and sixty-six.

April 10, 1869.
Vol. 16, p. 47.

Be it enacted, &c., That section six of an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July twenty-five, eighteen hundred and sixty-six, be, and the same is hereby, amended so as to allow any railroad company heretofore designated by the legislature of the State of Oregon, in accordance with the first section of said act, to file its assent to such act in the Department of the Interior within one year from the date of the passage of this act; and such filing of its assent, if done within one year from the passage hereof, shall have the same force and effect to all intents and purposes as if such assent had been filed within one year after the passage of said act: *Provided,* That nothing herein shall impair any rights heretofore acquired by any railroad company under said act, nor shall said act or this amendment be construed to entitle more than one company to a grant of land: *And provided further,* That the lands granted by the act aforesaid shall be sold to actual settlers only, in quantities not greater than one quarter-section to one purchaser, and for a price not exceeding two dollars and fifty cents per acre. (a)

Assent of railroad company to act may be filed within one year from date.

Acquired rights not affected.

Not more than one company entitled to a grant of land.

Lands how and to whom to be sold.

- (a) See Nos. 1121, 2092, 2096, 2099, 2107, 2113, 2129, 2130, 2342, 2360, 2363, 2366, 2367, 2369, 2373, 2375, 2377, 2378, 2379, 2382, 2383, 2391, 2385, 2397, 2400, 2401, 2402, 2403, 2411, 2412.

No. 2382.—JOINT RESOLUTION for the protection of the interests of the United States in the Union Pacific Railroad Company, the Central Pacific Railroad Company, and for other purposes.

April 10, 1869.
Vol. 16, p. 56.

[See NEBRASKA, No. 2113.]

No. 2383.—JOINT RESOLUTION concerning the Southern Pacific Railroad of California.

June 28, 1870.
Vol. 16, p. 382.

Be it resolved, &c., That the Southern Pacific Railroad Company of California may construct its road and telegraph line, as near as may be, on the route indicated by the map filed by said company in the Department of the Interior on the third day of January, eighteen hundred and sixty-seven; and upon the construction of each section of said road, in the manner and within the time provided by law, and notice thereof being given by the company to the Secretary of the Interior, he shall

Southern Pacific Railroad Company may construct its road and telegraph line on the route, &c.

Patents for land to issue when, &c.

direct an examination of each such section by commissioners to be appointed by the President, as provided in the act making a grant of land to said company, approved July twenty-seventh, eighteen hundred and sixty-six, and upon the report of the commissioners to the Secretary of the Interior that such section of said railroad and telegraph line has been constructed as required by law, it shall be the duty of the said Secretary of the Interior to cause patents to be issued to said company for the sections of land coterminous to each constructed section reported on as aforesaid, to the extent and amount granted to said company by the said act of July twenty-seventh, eighteen hundred and sixty-six, expressly saving and reserving all the rights of actual settlers, together with the other conditions and restrictions provided for in the third section of said act. (a)

(a) See Nos. 1191, 2092, 2096, 2099, 2107, 2113, 2129, 2130, 2349, 2360, 2363, 2366, 2367, 2369, 2372, 2373, 2375, 2377, 2378, 2379, 2381, 2382, 2391, 2395, 2397, 2400, 2401, 2402, 2403, 2411, 2412.

July 1, 1870.
Vol. 16, p. 186.

No. 2384.—AN ACT to relinquish the interest of the United States in certain lands to the city and county of San Francisco.

The interest of the United States in the Point San Jose military reservation relinquished to the city and county of San Francisco.

Be it enacted, &c., That all the right and title of the United States to the military reservation in the city and county of San Francisco, in the State of California, known as the Point San José military reservation, be, and the same are hereby, relinquished and granted to the said city and county, and its successors, for the uses and purposes as follows: First. To maintain all streets and alleys as now laid out upon the official map of the city of San Francisco. Second. And then, in trust, to grant and convey the remainder of said lands to the parties severally who are at the date of the passage of this act in the actual bona-fide possession thereof, by themselves or their tenants, and in such parcels as the same are so held and possessed by them; or who, if they have not such possession, were deprived thereof by the United States military authorities when they went into the occupancy of said military reservation, or were deprived thereof by intruders or trespassers, against whom possession may be recovered by legal process. Third. To have and to hold all the residue, if any, of said lands, for the use and benefit of said city, there being excepted from this relinquishment and grant all that certain piece or parcel of land, portion of said reservation, and of which is bounded and described as follows, viz: Commencing at a point in the mean low-water shore-line of the bay or entrance to the bay of San Francisco, east of the promontory of Point San José, where the same is intersected by the westerly line of Van Ness avenue; running thence southerly along the said westerly line of Van Ness avenue to its intersection with the northern line of Bay street; thence westerly along the north side of Bay street to its intersection with the eastern line of Laguna street; thence northerly along the said eastern line of Laguna street to the westerly shore; thence in a northeasterly, easterly, southeasterly, and southerly direction, following the said shore line, and including the entire water-front between Laguna street and Van Ness avenue, to the point or place of beginning.

Residue for city, except, &c.

Boundaries of reservation.

Valid adverse rights not prejudiced.

Inconsistent laws declared inapplicable.

SEC. 2. *And be it further enacted,* That nothing in this act contained shall interfere with or prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, whether derived from Spain, Mexico, or the United States, or preclude an examination and adjustment thereof by the courts.

SEC. 3. *And be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, declared inapplicable to the lands herein above relinquished and granted. (a)

(a) See Nos. 2344, 2358, 2365, 2406, 2408.

July 9, 1870.
Vol. 16, p. 217.

No. 2385.—AN ACT to amend "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes."

Part of act of 1853 repealed.
Public surveys extended over mineral lands.

SEC. 16. *And be it further enacted,* That so much of the act of March third, eighteen hundred and fifty-three, entitled "An act to provide for the survey of the public lands in California, the granting of pre-emption rights, and for other purposes," as provides that none other than township lines shall be surveyed where the lands are mineral, is hereby re-

pealed. And the public surveys are hereby extended over all such lands: *Provided*, That all subdividing of surveyed lands into lots less than one hundred and sixty acres may be done by county and local surveyors at the expense of the claimants: *And provided further*, That nothing herein contained shall require the survey of waste or useless lands. (a)

Surveyed lands how subdivided into lots, &c.

(a) See Nos. 2320a, 2322, 2324, 2346, 2348, 2351, 2352, 2354, 2364, 2369, 2371, 2375, 2380, 2387, 2392.

No. 2386.—AN ACT to grant the right of way for the Alameda Road through certain lands in California.

July 9, 1870.
Vol. 16, p. 218.

Be it enacted, &c., That the portion of the tract of land situated in the county of Santa Clara, and State of California, lying between the Rancho Potrero de Santa Clara and the Rancho de los Coches, which is occupied by Santa Clara street, according to the map of the city of San José, and the street intersecting Santa Clara street, is hereby granted to said city for the purpose of streets. And the parcels of said tract of land lying between said ranchos which are included within the corporate limits of said city, and not occupied as streets, are hereby granted to the respective persons in possession thereof, by themselves or their tenants.

Certain land granted to San Jose, California, for street purposes.

SEC. 2. *And be it further enacted*, That the right of way through that portion of the tract of land lying between the said ranchos, which is situated without the corporate limits of the said city of San José, is hereby granted to the said county of Santa Clara, for public use, for the highways, roads, and sidewalks running along, upon, or across the said tract of land; and authority is hereby granted to the board of supervisors of said county to regulate and determine the number, position, width, and grade of such highways, roads, and sidewalks.

Other land in said city granted to persons in possession.

SEC. 3. *And be it further enacted*, That the said tract of land in the second section mentioned, subject to the right of way as therein granted, is hereby granted to the several persons, whether natural or artificial, owning the adjoining lands, the parcel hereby granted to each person being the parcel lying between his or its lands and a line running through the middle of said tract of land.

Right of way through the portion outside of San Jose given to the county of Santa Clara.

Land, subject to right of way, granted to persons owning adjoining lands. Individual grants.

No. 2387.—AN ACT making appropriations for sundry civil expenses of the Government for the year ending June thirty, eighteen hundred and seventy-one, and for other purposes.

July 15, 1870.
Vol. 16, p. 304.

For surveying the public lands in California, at rates not exceeding fifteen dollars per lineal mile for standard lines, twelve dollars for township, and ten dollars for section lines, fifty thousand dollars: *Provided*, That the Commissioner of the General Land Office, in his discretion, may hereafter authorize public lands in said State, densely covered with forests or thick undergrowth, to be surveyed at augmented rates, not exceeding eighteen dollars per mile for standard parallels, fifteen dollars for township, and twelve dollars for section lines: (a) *Provided further*, That wherever lands in California subject to private entry have been or shall be withdrawn from market for any cause, such lands shall not thereafter be held subject to private entry until they shall have first been opened for at least ninety days to homestead and pre-emption settlers, and again offered at public sale. (b)

Survey of public lands in California.

Proviso.

Lands subject to private entry and withdrawn, to be open to homestead and pre-emption settlers before, &c.

(a) See Nos. 2320a, 2322, 2324, 2346, 2348, 2351, 2352, 2354, 2364, 2369, 2371, 2375, 2380, 2385, 2392.

(b) See Nos. 2324, 2327, 2348, 2351, 2352, 2353, 2354, 2362, 2364, 2369, 2371, 2372, 2375, 2380, 2391, 2393, 2399, 2400, 2401, 2405, 2409.

No. 2388.—AN ACT for the creation of an additional land district in the State of California.

July 15, 1870.
Vol. 16, p. 365.

Be it enacted, &c., That so much of the districts of lands now subject to sale at Humboldt and Marysville, in the State of California, as are contained within the following boundaries, shall constitute a new land district, to be called the Shasta district, bounded as follows: On the north and east by the boundary lines of the State; on the south by the fifth standard parallel north; and on the west by the line between

Shasta land district in California established. Boundaries.

ranges ten and eleven west of the Mount Diablo base and meridian, the location of the office for which shall be designated by the President of the United States, and may be changed by him from time to time, as the public interest may seem to require.

Register and receiver.

Their residence, pay, &c.

SEC. 2. *And be it further enacted*, That there shall be appointed by the President, by and with the advice and consent of the Senate, a register and receiver for said land district, who shall respectively be required to reside at the site of the office, be subject to the same laws, and entitled to the same compensation, as is, or may hereafter be, prescribed by law in relation to other land officers in said State. (a)

(a) See Nos. 2324, 2336, 2389.

Feb. 10, 1871.
Vol. 14, p. 409.

Susanville land district in California established.

Boundaries.

No. 2389.—AN ACT to create an additional land district in the State of California.

Be it enacted, &c., That so much of the districts of lands subject to sale under existing laws at Marysville and Shasta, in the State of California, as are contained in the following boundaries, shall constitute a new land district, to be called the Susanville district, bounded as follows: Beginning at a point where the north boundary of township nineteen north, Mount Diablo meridian, intersects the eastern boundary of the State of California; thence west on the north boundary, of township nineteen north, to the corner of townships nineteen and twenty north, range[s] thirteen and fourteen east; thence north to the corner of townships twenty-one and twenty-two north, ranges thirteen and fourteen east; thence west to the corner of townships twenty-one and twenty-two north, ranges eleven and twelve east; thence north to the corner of townships twenty-three and twenty-four north, ranges eleven and twelve east; thence west to the corner of townships twenty-three and twenty-four north, ranges eight and nine east; thence north to the corner of townships twenty-five and twenty-six north, ranges eight and nine east; thence west to the corner of townships twenty-five and twenty-six north, ranges five and six east; thence north between ranges five and six to the northern boundary of the State of California; thence east on said boundary line to the northeast corner of said State; thence south on the eastern boundary of said State, to the place of beginning.

Location of office, how designated.

May be changed.

Register and receiver.

Their residence and pay.

SEC. 2. *And be it further enacted*, That the location of the office for said district shall be designated by the President of the United States, and may be changed by him from time to time as the public convenience may seem to require.

SEC. 3. *And be it further enacted*, That there shall be appointed by the President, by and with the advice and consent of the Senate, a register and a receiver for said land district, who shall respectively be required to reside at the site of the office, be subject to the same laws, and entitled to the same compensation as is, or may hereafter be, prescribed by law in relation to other land offices in said State. (a)

(a) See Nos. 2324, 2336, 2385.

Feb. 27, 1871.
Vol. 16, p. 432.

J. H. Schnell may enter, &c., a section of public land for a tea colony.

No. 2390.—AN ACT to enable J. H. Schnell, of California, to enter and pay for a section of public land in California for his tea colony.

Be it enacted, &c., That J. H. Schnell, of California, be authorized to enter, at the proper United States land office, a quantity of land not exceeding six hundred and forty acres, at the minimum price, according to the lines of his improvements, tea gardens, and other culture, in the county of El Dorado, in the State of California, and to which there may not be any adverse claim except that of the United States.

March 3, 1871.
Vol. 16, p. 573.

Texas Pacific Railroad Company incorporated. Corporators.

No. 2391.—AN ACT to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes.

Be it enacted, &c., That John C. Fremont, James L. Alcorn, G. M. Dodge, O. C. French, John D. Caldwell, J. J. Noah, A. C. Osborne, Timothy Hurley, C. C. Pool, Silas N. Martin, John M. Corse, George E. Wentworth, Philip H. Morgan, J. D. Cameron, Marshal O. Roberts, James L. Hodges, John Ray, W. Vermilye, Enoch L. Faucher, Charles F. Livermore, Joseph H. Oglesby, John Whytock, Daniel Drew, F. S. Davis, W. Orton, A. C. Babcock, Thomas A. Scott, Samuel D. Hoffman, H.

Ramsdale, William H. Jackson, R. C. Parsons, Delos W. Emmons, M. A. Southworth, John H. Hall, G. C. Kinzey, W. P. Clark, James Dart, H. Jacobs, L. T. Smith, W. P. Dole, C. A. Weed, A. P. K. Safford, H. McCullough, Charles Jackson, Elisha Dyer, Alfred Anthony, James Hoy, M. W. Benjamin, H. D. Cooke, Joseph R. West, W. S. Huntington, J. M. Tebbetts, C. C. Leondridge, D. D. Porter, M. Woodhull, Hiram Price, M. C. Hunter, W. T. Walters, J. B. Brownlow, T. A. Morris, Owen Tuller, J. H. Ledlie, R. M. Bishop, Samuel Craighead, D. N. Stanton, Augustus H. Whiting, G. L. Johnston, J. W. Goodland, Powell Clayton, Samuel Tate, W. Bolton, H. Robinson, George Maney, O. H. Bynum, M. Burns, J. C. Goodloe, E. G. Barney, Cyrus Busey, J. W. Forney, J. Lockwood, E. M. Davis, N. Patton, W. Flanagan, G. O'Brien, G. P. Buel, G. H. Gidding, J. J. Newell, E. W. Rice, R. M. Shoemaker, Samuel Sloan, S. W. Morton, J. B. Bowman, L. M. Flournoy, J. J. Hinds, G. R. Weeks, J. T. Ludling, B. C. Gilbert, B. D. Williams, Thomas Olcott, G. A. Fosdick, Harry Hays, P. S. Forbes, John T. Sprague, L. R. Marsh, A. W. Beckwith, J. C. Stanton, Cyrus H. Baldwin, A. J. Hamilton, Rush R. Sloan, Silas C. Colgrove, Samuel D. Jones, N. H. Decker, William N. Leet, B. F. Allen, J. B. Chaves, Augustus Kountze, John N. Goodwin, William S. Rosecrans, Michael Hahn, H. C. Warmouth, J. S. Williams, G. M. Spencer, L. J. Higby, W. C. Kimball, and all such persons as shall or may be associated with them, and their successors, are hereby created a body politic and corporate in fact and in law, by the name, style, and title of the Texas Pacific Railroad Company, and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States, and may make and use a common seal; and the said corporation is hereby authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances, from a point at or near Marshall, county of Harrison, State of Texas; thence by the most direct and eligible route, to be determined by said company, near the thirty-second parallel of north latitude, to a point at or near El Paso; thence by the most direct and eligible route, to be selected by said company, through New Mexico and Arizona, to a point on the Rio Colorado, at or near the southeastern boundary of the State of California; thence by the most direct and eligible route to San Diego, California, to ship's channel, in the bay of San Diego, in the State of California, pursuing in the location thereof, as near as may be, the thirty-second parallel of north latitude, and is hereby vested with all the powers, privileges, and immunities necessary to carry into effect the purposes of this act.

Powers of corporation.

Route of railroad and telegraph line.

SEC. 2. That the persons named in the first section of this act shall constitute a board of commissioners, (twenty of whom shall constitute a quorum for the transaction of business,) to be known as the Texas Pacific Railroad Commissioners, who shall meet in the city of New York within ninety days after the passage of this act, at a time to be designated in a notice to be signed by the person first named in the list of incorporators and six of his associates, and to be published for two weeks in, at least, one daily newspaper in New York, New Orleans, and Washington; and, when so met, they may cause books to be opened for the subscription of the capital stock of said company, and when twenty thousand shares, amounting to two millions of dollars, shall have been subscribed, and ten per centum actually paid thereon, in money, to the treasurer, to be elected by said commissioners, who shall give bond for its safe-keeping and payment to the treasurer of the company when organized, then it shall be lawful for such subscribers or stockholders, or a majority thereof, to organize said company in accordance with the provisions of this act, and to elect not less than seven, nor more than seventeen directors, a majority of whom shall be necessary to the transaction of business, and who shall hold their offices for one year and until their successors shall be elected and qualified; and the said directors shall immediately proceed to elect a president, vice-president, secretary, and treasurer; the president and vice-president shall be directors. At all elections for directors, each share of stock shall be entitled to one vote, which may be given by the holders in person, or by proxy, who shall also be a shareholder. The directors shall hold their offices for any term not exceeding three years, as may be provided in the by-laws; and the annual meetings of stockholders shall take place as provided for in said by-laws.

Texas Pacific Railroad commissioners, to meet in New York within, &c.

Notice.

Subscription books for capital stock.

Treasurer, bond. Company may organize when, &c. Directors. Quorum, term of office, &c.

Officers. Proxies.

Term of office of directors. Annual meetings.

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| Capital stock. | SEC. 3. That the capital stock of the Texas Pacific Railroad Company shall be fixed by the board of directors, at a sum not exceeding fifty millions of dollars, in shares of one hundred dollars; and when the amount is so fixed, it shall never be increased except by consent of Congress. Assessments upon said stock shall only be made by a majority vote of the whole number of directors at a regular meeting, which said assessments shall be paid at the expiration of thirty days after a notice given in one newspaper in each of the cities of Washington, Philadelphia, New York, and New Orleans. |
| Shares. | |
| Increase. | |
| Assessments. | |
| The corporation may purchase, &c., and consolidate with any railroad company. | SEC. 4. That the said Texas Pacific Railroad Company shall have power and lawful authority to purchase the stock, land grants, franchises, and appurtenances of, and consolidate on such terms as may be agreed upon between the parties, with any railroad company or companies heretofore chartered by Congressional, State, or Territorial authority, on the route prescribed in the first section of this act; but no such consolidation shall be with any competing through line of railroads to the Pacific Ocean. |
| Limitation. | |
| May make arrangements with other roads, purchase lands, &c. | SEC. 5. That the said company shall have power and authority to make running arrangements with any railroad company or companies heretofore chartered, or that may hereafter be chartered by Congressional, State, or Territorial authority; also to purchase lands, or to accept donations, or grant of lands, or other property, from States or individuals, for the purpose of aiding in carrying out the object of this company. |
| Rights, franchises, &c., of the purchased railroads to vest in the Texas Pacific Railroad Company. | SEC. 6. That the rights, lands, land grants, franchises, privileges, and appurtenances, and property of every description, belonging to each of the consolidated or purchased railroad company or companies, as herein provided, shall vest in and become absolutely the property of the Texas Pacific Railroad Company: <i>Provided</i> , That in all contracts made and entered into by said company with any and all other railroad company or companies, to perfect such aforesaid consolidation or purchase, the indebtedness or other legal obligations of said company or companies shall be assumed by the said Texas Pacific Railroad Company as may be agreed upon, and no such consolidation or purchase shall impair any lien which may exist on any of the railroads so consolidated or purchased; but said company shall not assume the debts or obligations of any company with which it may consolidate or purchase as aforesaid, to an amount greater than the cash value of the assets received from the same. |
| Obligations of other companies to be assumed. | |
| Lien not impaired. | |
| Limit to amount of debts, &c., to be assumed. | |
| Rules and by-laws. | SEC. 7. That the said Texas Pacific Railroad Company shall have power to make and enforce rules and by-laws for the election of its officers and the government and management of the business of the company, and to do and perform all needful and proper things to be done and performed to promote the objects of the company hereby incorporated, not inconsistent with the laws of the United States and the provisions of this charter. |
| Right of way granted through the public lands, and authority to take materials from adjacent lands. | SEC. 8. That the right of way through the public lands be, and the same is hereby, granted to the said company for the construction of the said railroad and telegraph line, and the right, power, and authority is hereby given to said company to take, from the public lands adjacent to the line of said road, earth, stone, timber, and other materials for the construction thereof. Said right of way is granted to said company to the extent of two hundred feet in width on each side of said railroad where it may pass over the public lands; and there is also hereby granted to said company grounds for stations, buildings, workshops, wharves, switches, side-tracks, turn-tables, water-stations, and such other structures as may be necessary for said railroad, not exceeding forty acres of land at any one point. |
| Extent of grant. | |
| Alternate sections of public lands granted to the corporation. | SEC. 9. That for the purpose of aiding in the construction of the railroad and telegraph line herein provided for, there is hereby granted to the said Texas Pacific Railroad Company, its successors and assigns, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile, on each side of said railroad line, as such line may be adopted by said company, through the Territories of the United States, and ten alternate sections of land per mile on each side of said railroad in California, where the same shall not have <i>not</i> have been sold, reserved, or otherwise disposed of by the United States, and to which a pre-emption or homestead claim may not have attached at the time the line of said road is definitely fixed. In case any of said lands shall have been sold, reserved, occupied, or pre-empted, or otherwise disposed of, other lands shall be se- |
| In the Territories. | |
| In California. | |
| If any of the lands have been | |

lected in lieu thereof by said company, under the direction of the Secretary of the Interior, in alternate sections, and designated by odd numbers, not more than ten miles beyond the limits of said alternate sections first above named, and not including the reserved numbers. If, in the too near approach of the said railroad line to the boundary of Mexico, the number of sections of land to which the company is entitled cannot be selected immediately on the line of said railroad, or in lieu of mineral lands excluded from this grant, a like quantity of unoccupied and unappropriated agricultural lands, in odd-numbered sections nearest the line of said railroad may be selected as above provided; and the word "mineral," where it occurs in this act, shall not be held to include iron or coal: *Provided, however*, That no public lands are hereby granted within the State of California further than twenty miles on each side of said road, except to make up deficiencies as aforesaid, and then not to exceed twenty miles from the lands originally granted. The term "ship's channel," as used in this bill, shall not be construed as conveying any greater right to said company to the water front of San Diego Bay than it may acquire by gift, grant, purchase, or otherwise, except the right of way, as herein granted: *And provided further*, That all such lands, so granted by this section to said company, which shall not be sold, or otherwise disposed of, as provided in this act, within three years after the completion of the entire road, shall be subject to settlement and pre-emption like other lands, at a price to be fixed by and paid to said company, not exceeding an average of two dollars and fifty cents per acre for all the lands herein granted.

Provision as to lands near the Mexican boundary.

"Mineral" not to include iron or coal. Grant in California not to exceed, &c.

"Ship's channel" to mean what.

Lands granted and not sold in three years, &c., to be subject to settlement and pre-emption.

SEC. 10. That when the route of said railroad and telegraph line shall pass through the lands of private persons, or where it may be necessary for said railroad company to take any lands belonging to private persons for any of the purposes herein mentioned necessary to said road, such right of way through or title to such land shall be secured in accordance with the laws of the State or Territory in which they may be situated.

Right of way over lands of private persons to be secured according to law of State, &c.

SEC. 11. That the Texas Pacific Railroad Company shall have power and authority to issue two kinds of bonds, secured by mortgage, namely: first, construction bonds; second, land bonds. Construction bonds shall be secured by mortgage, first, on all or any portion of the franchises, road-bed, or track of said railroad, and all the appurtenances thereto belonging, when constructed or in the course of construction, from a point at or near Marshall, to ship's channel, in the Bay of San Diego, in the State of California, as aforesaid. Land bonds shall be secured by mortgage, first, on all or any portion of the lands hereby granted in aid of the construction of said railroad as is provided for in this act; second, on lands acquired by any arrangement or purchase or terms of consolidation with any railroad company or companies to whom grants of lands may have been made, or may hereafter be made, by any Congressional, State, or Territorial authority, or who may have purchased the same previous to any such arrangement or consolidation: *Provided*, That all the mortgages made and executed by said railroad company shall be filed and recorded in the Department of the Interior, which shall be a sufficient evidence of their legal execution, and shall confer all the rights and property of said company as therein expressed: *And provided also*, That the proceeds of the sales of the aforesaid construction and land bonds shall be applied only in the construction, operation, and equipment of the contemplated railroad line: *And provided further*, That said mortgage shall in no wise impair or affect any lien existing on the property of said company or companies at or before the time of such consolidation.

Corporation may issue construction bonds, secured by mortgage of road.

Land bonds secured by mortgage of its lands.

All its mortgages to be filed, &c., in the Department of the Interior.

Proceeds of sales of bonds to apply only to what.

Existing liens not affected.

SEC. 12. That whenever the said company shall complete the first and each succeeding section of twenty consecutive miles of said railroad and put it in running order as a first-class road in all its appointments, it shall be the duty of the Secretary of the Interior to cause patents to be issued conveying to said company the number of sections of land opposite to and coterminous with said completed road to which it shall be entitled for each section so completed. Said company, within two years after the passage of this act, shall designate the general route of its said road, as near as may be, and shall file a map of the same in the Department of the Interior; and when the map is so filed, the Secretary of the Interior, immediately thereafter, shall cause the lands within forty miles on each side of said designated route within the Territories, and twenty miles within the State of California, to be withdrawn from pre-

Patents to issue for lands as twenty-mile sections of road are completed.

General route to be designated in two years and map filed.

Lands to be withdrawn from pre-emption, &c.

Provisions of pre-emption and homestead acts extended to, &c.

Provisions of exemption, private entry, and sale: (a) *Provided, however,* That the provisions of the act of September, eighteen hundred and forty-one, granting pre-emption rights, and the acts amendatory thereof, and of the act entitled, "An act to secure homesteads to actual settlers on the public domain," approved May twenty, eighteen hundred and sixty-two, and the amendments thereto, shall be, and the same are hereby, extended to all other lands of the United States on the line of said road when surveyed, except those hereby granted to said company. (b)

Annual report, when and where to be made, and to state what.

SEC. 13. That the president of the company shall annually, by the first day of July, make a report and file it with the Secretary of the Interior, which report shall be under oath, exhibiting the financial situation of the company, the amount of money received and expended, and the number of miles of road constructed each year; and further, the names and residences of the stockholders, of the directors, and of all other officers of the company, the amount of stock subscribed, and the amount thereof actually paid in, a description of the lines of road surveyed and fixed upon for construction, the amount received from passengers and for freight, respectively, on the road, a statement of the expenses of said road and its fixtures, and a true statement of the indebtedness of said company and the various kinds thereof.

Certificate of capital stock, how signed, &c.

SEC. 14. That the certificates of the capital stock must be signed by the president and secretary, and attested by the seal of the company, and shall contain an extract from the proceedings of the board of directors fixing the amount thereof, as well as from this act, authorizing such issue. All the bonds and mortgages issued by said company must be signed by the president and secretary, and attested by the seal of said company, and shall contain an extract from the law authorizing them to be issued. The face value of said bonds shall be one thousand dollars in gold, and shall be redeemable at such times, and to bear such rate of interest, payable semi-annually in gold, as may be determined by the directors. The total value of the construction bonds to be issued shall not exceed thirty thousand dollars per mile of said railroad, and the total face value of the land bonds shall not exceed two dollars and fifty cents per acre for all lands mortgaged; the total amount of each to be determined by the board of directors.

Bonds and mortgages.

Par value and interest in gold.

Limitation as to bonds.

Other railroads may connect.

No discrimination against.

Rates not to exceed, &c.

Iron or steel rails from American ore.

Corporation to commence construction of road at San Diego and Marshall.

Rate of construction.

Time for completion.

Congress may complete if, &c.

SEC. 15. That all railroads constructed, or that may be hereafter constructed, to intersect said Texas Pacific Railroad, shall have a right to connect with that line; that no discrimination as regards charges for freight or passengers, or in any other matter, shall be made by said Texas Pacific Railroad Company against any of the said connecting roads; but that the same charges per mile as to passengers, and per ton per mile as to freight, passing from the said Texas Pacific Railroad over any of said connecting roads, or passing from any of said connecting roads over any part of said Texas Pacific Railroad, shall be made by said company as they make for freight and passengers over their own road: *Provided also,* That said connecting roads shall reciprocate said right of connection and equality of charges with said Texas Pacific Railroad: *And provided further,* That the rates charged for carrying passengers and freight, per mile, shall not exceed the prices which may be fixed by Congress for carrying passengers and freight on the Union Pacific and Central Pacific Railroads.

SEC. 16. That said road shall be constructed of iron or steel rails manufactured from American ore, except such as may have heretofore been contracted for by any railroad company which may be purchased or consolidated with by the company hereby incorporated, as provided by this act.

SEC. 17. That the said Texas Pacific Railroad Company shall commence the construction of its road simultaneously at San Diego, in the State of California, and from a point at or near Marshall, Texas, as hereinbefore described, and so prosecute the same as to have at least fifty consecutive miles of railroad from each of said points complete and in running order within two years after the passage of this act; and to so continue to construct each year thereafter a sufficient number of miles to secure the completion of the whole line from the aforesaid point on the eastern boundary of the State of Texas to the bay of San Diego, in the State of California, as aforesaid, within ten years after the passage of this act; and upon failure to so complete it, Congress may adopt such measures as it may deem necessary and proper to secure its speedy completion.

SEC. 18. That the President of the United States, upon the completion of the first section of twenty miles, shall appoint one commissioner, whose duty it shall be to examine the various sections of twenty miles as they shall be completed, and report thereon to him in writing; and if, from such report, he be satisfied that said company has fully completed each section of its road, as in this act provided, he shall direct the Secretary of the Interior to issue patents to said company for the lands it is entitled to under this act, as fast as each section of said road is completed.

Commissioner to examine road.

Patents to issue.

SEC. 19. That the Texas Pacific Railroad Company shall be, and it is hereby, declared to be a military and post road; and for the purpose of insuring the carrying the mails, troops, munitions of war, supplies, and stores of the United States, no act of the company nor any law of any State or Territory shall impede, delay, or prevent the said company from performing its obligations to the United States in that regard: *Provided*, That said road shall be subject to the use of the United States for postal, military, and all other Governmental services, at fair and reasonable rates of compensation, not to exceed the price paid by private parties for the same kind of service, and the Government shall at all times have the preference in the use of the same for the purpose aforesaid.

Railroad declared to be a military and post road.

Transportation for the United States not to be impeded. Rate of compensation.

SEC. 20. That it shall not be lawful for any of the directors, either in their individual capacity or as members of an incorporated or joint-stock company, to make any contracts or agreements with the said Texas Pacific Railroad Company for the construction, equipment, or running of its road, or to have any interest therein; and all such contracts or agreements are hereby declared null and void, and all money or property received under such contracts or agreements may be recovered back for the benefit of the company by any stockholder.

No director to contract for constructing, &c., any part of the road.

SEC. 21. That any railroad company whose route lies across the route of the Texas Pacific Railroad may cross the same, and for the purpose of crossing shall have the right to acquire at the double-minimum price all lands, whether of the United States or granted by this act, which shall be needed for a right of way two hundred feet wide through said lands, and for depots, stations, side-tracks, and other needful purposes, not exceeding for such purposes forty acres at any one station.

Railroad companies may cross this road. May have lands, &c.

SEC. 22. That the New Orleans, Baton Rouge, and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right to connect by the most eligible route to be selected by said company with the said Texas Pacific Railroad at its eastern terminus, and shall have the right of way through the public land to the same extent granted hereby to the said Texas Pacific Railroad Company; and in aid of its road construction from New Orleans to Baton Rouge, thence by the way of Alexandria, in said State, to connect with the said Texas Pacific Railroad Company at its eastern terminus, there is hereby granted to said company, its successors and assigns, the same number of alternate sections of public lands per mile, in the State of Louisiana, as are by this act granted in the State of California, to said Texas Pacific Railroad Company; and said lands shall be withdrawn from market, selected, and patents issued therefor, and opened for settlement and pre-emption, upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company, within said State of California: *Provided*, That said company shall complete the whole of said road within five years from the passage of this act.

New Orleans, Baton Rouge, and Vicksburg Railroad Company may connect with this road and have right of way.

Grant of lands to aid in its construction.

Lands to be withdrawn from market, &c.

Road when to be completed.

SEC. 23. That, for the purpose of connecting the Texas Pacific Railroad with the city of San Francisco, the Southern Pacific Railroad Company of California is hereby authorized (subject to the laws of California) to construct a line of railroad from a point at or near Tehachapa Pass, by way of Los Angeles, to the Texas Pacific Railroad at or near the Colorado River, with the same rights, grants, and privileges, and subject to the same limitations, restrictions, and conditions as were granted to said Southern Pacific Railroad Company of California, by the act of July twenty-seven, eighteen hundred and sixty-six: *Provided*, however, That this section shall in no way affect or impair the rights, present or prospective, of the Atlantic and Pacific Railroad Company or any other railroad company. (a)

Southern Pacific Railroad Company may construct a road to connect the Texas Pacific Railroad with San Francisco.

Proviso.

(a) See Nos. 1121, 2092, 2096, 2099, 2107, 2113, 2129, 2130, 2349, 2360, 2363, 2366, 2367, 2369, 2372, 2373, 2375, 2377, 2378, 2379, 2381, 2382, 2383, 2395, 2397, 2400, 2401, 2402, 2403, 2411, 2412.

(b) See Nos. 2324, 2327, 2348, 2351, 2352, 2353, 2354, 2362, 2364, 2369, 2371, 2372, 2375, 2380, 2387, 2393, 2396, 2400, 2401, 2405, 2406.

March 3, 1871.
Vol. 16, p. 581.

Selection of agricultural college lands by California.

Limitation to privilege of selection.

If certain lands are selected, they are to be taken, &c., and California shall pay, &c.

Where lands sought to be selected are unsurveyed.

Survey.

Location.

Pre-emption and homestead rights not affected.

Selections, how to be made.

No. 2392.—AN ACT amendatory of an act entitled "An act to further provide for giving effect to the various grants of public lands to the State of Nevada," approved June eighth, eighteen hundred and sixty-eight.

Be it enacted, &c., That section four of an act entitled "An act to further provide for giving effect to the various grants of public lands to the State of Nevada," be, and the same is hereby, amended so as to read as follows: And it is further enacted that the lands granted to the State of California for the establishment of an agricultural college by the act of July second, eighteen hundred and sixty-two, and acts amendatory thereto, may be selected by said State from any lands within said State, subject to pre-emption, settlement, entry, sale, or location, under any laws of the United States. Such selections may be made in any legal subdivisions, adjoining by sides, so as to constitute bodies of not less than one hundred and sixty acres; or they may be made in separate subdivisions of forty, eighty, or one hundred and twenty acres, respectively: *Provided*, That this privilege shall not extend to lands upon which there may be rightful claims under the pre-emption and homestead laws, nor to mineral lands: *And provided further*, That if lands be selected as aforesaid, the minimum price of which is two dollars and fifty cents per acre, they shall be taken acre for acre in part satisfaction of the grant, and the State of California shall pay to the United States the sum of one dollar and twenty five cents per acre for each acre so selected, when the same shall be patented to the State by the United States: (a) *Provided further*, That where lands, sought to be selected for the agricultural college, are unsurveyed, the proper authorities of the State shall file a statement to that effect with the register of the United States Land Office, describing the land by township and range, and shall make application to the United States surveyor-general for a survey of the same, the expenses of the survey for field-work to be paid by the State, provided there be no appropriation by Congress for that purpose. The United States surveyor-general, as soon as practicable, shall have the said lands surveyed and the township plats returned to the United States Land Office, (b) and lands so surveyed and returned shall, for thirty days after the filing of the plats in the United States Land Office, be held exclusively for location for the agricultural college, and within said thirty days the proper authorities of the State shall make application to the United States Land Office for the lands sought to be located by sections and parts of sections: *Provided*, That any rights, under the pre-emption or homestead laws, acquired prior to the filing of the required statement with the United States register shall not be impaired or affected by this act: *And provided further*, That such selections shall be made in every other respect subject to the conditions, restrictions, and limitations contained in the acts hereby modified.

(a) See No. 2376.

(b) See Nos. 2320a, 2322, 2324, 2346, 2348, 2351, 2352, 2354, 2364, 2369, 2371, 2375, 2380, 2385, 2387.

March 22, 1872.
Vol. 17, p. 43.

Certain pre-emption settlers in California to have one year from, &c., to prove, &c., their claims.

No. 2393.—AN ACT for the relief of pre-emption settlers in the State of California.

Be it enacted, &c., That all bona-fide pre-emption claimants who may have filed their declaratory statements, prior to the passage of this act, upon any of the public lands in the State of California, shall have one year from and after the passage of this act in which to make proof and payment of their respective claims. (a)

(a) See Nos. 2324, 2327, 2346, 2351, 2352, 2353, 2354, 2362, 2364, 2369, 2371, 2372, 2375, 2380, 2387, 2391, 2399, 2400, 2401, 2405, 2409.

April 5, 1872.
Vol. 17, p. 649.

Claim of Thos. B. Valentine to certain land to be heard by the United States circuit court in California.

No. 2394.—AN ACT for the relief of Thomas B. Valentine.

Be it enacted, &c., That the ninth circuit court of the United States, of California, be, and hereby is, authorized and required to hear and decide upon the merits, the claim of Thomas B. Valentine, claiming title, under a Mexican grant to Juan Miranda, to a place called the Rancho Arroyo de San Antonio, situate in the county of Sonoma, and State of California, in the same manner, and with the same jurisdiction, as if the claim to the said tract of land had been duly presented to the board of land commissioners under the provisions of the act entitled "An act to ascertain and settle the private land claims in the State of

California," approved March third, eighteen hundred and fifty-one, and an appeal had been duly taken from their decision to the district court of California, by the said Thomas B. Valentine.

SEC. 2. That on the said hearing any testimony heretofore taken before the said board of commissioners, in relation to said claim on behalf of the said claimant, or of the United States, may be read, subject to all just exceptions to its competency; and additional testimony, on either part, may be taken, under the order and direction of said circuit court, as to the validity and extent of said claim.

SEC. 3. That an appeal shall be taken from the final decision and decree of the said circuit court to the Supreme Court of the United States, by either party, in accordance with the provisions of the tenth section of said act of March third, eighteen hundred and fifty-one, within six months after the rendition of such final decision; and a decree under the provisions of this act, in favor of said claim, shall not affect any adverse right or title to the lands described in said decree; but in lieu thereof, the claimant, or his legal representatives, may select, and shall be allowed, patents for an equal quantity of the unoccupied and unappropriated public lands of the United States, not mineral, and in tracts not less than the subdivisions provided for in the United States land laws, and, if unsurveyed when taken, to conform, when surveyed, to the general system of United States land surveys; and the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, shall be authorized to issue scrip, in legal subdivisions, to the said Valentine, or his legal representatives, in accordance with the provisions of this act: *Provided*, That no decree in favor of said Valentine shall be executed nor be of any force or effect against any person or persons; nor shall land scrip or patents issue as hereinbefore provided, unless the said Valentine shall first execute and deliver to the Commissioner of the General Land Office a deed conveying to the United States all his right, title, and interest to the lands covered by said Miranda grant.

Testimony.

Appeal to be taken within six months from, &c.

Decree, &c.

Scrip to be issued.

Proviso.

No. 2395.—AN ACT supplementary to an act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March third, eighteen hundred and seventy-one.

Be it enacted, &c., That the name, style, and title of the Texas Pacific Railroad Company shall hereafter be "The Texas and Pacific Railway Company;" and the said The Texas and Pacific Railway Company shall have, possess, and enjoy all the rights, privileges, and franchises heretofore conferred upon the said Texas Pacific Railroad Company.

SEC. 2. That the said The Texas and Pacific Railway Company shall have power and authority to issue the construction and land bonds authorized by the eleventh section of said act of incorporation, for such amounts, not exceeding forty thousand dollars per mile of said road, of construction bonds, as said company may deem needful to provide for the construction and equipment of its line, and to include in the mortgage or mortgages to secure said construction bonds all or any portion of the lands granted in aid of the construction of said railroad; and in the mortgage or mortgages to secure said land bonds, any portion of said lands not so used to secure the construction bonds aforesaid; and all or any portion of the lands acquired by the terms of consolidation lawfully authorized by the fourth section of said act of March third, eighteen hundred and seventy-one, with any railroad company or companies to whom grants of land may have been made, or may hereafter be made, by any Congressional, State, or Territorial authority, or who may have purchased the same previous to any such arrangement or consolidation, and within the time limited for the completion of the road, and all such lands of every description shall be subject to all limitations and conditions now by law existing in relation thereto, and as modified by this act; and this act shall not be construed to revive, enlarge, extend, or create any land grant whatever, beyond that heretofore granted by Congress, and which shall duly inure to said company upon compliance with the terms of this act in relation to the times fixed for completion of said railway, and all such mortgages shall be subject to all the conditions and limitations by law existing under this act and the acts to which it is supplementary in respect to such lands, and shall not be held to vest any title in the mortgage or create any lien on such lands, other than such company is or may become lawfully entitled to

May 2, 1872.
Vol. 17, p. 59.

The Texas and Pacific Railway Company to have all the rights, &c., of the Texas Pacific Railroad Company.

May issue construction and land bonds not exceeding, &c.

Mortgage may include what, and to be subject to what conditions.

No land grant revived, &c., by this act.

Amount of land bonds not to exceed, &c.

vest or create thereunder; but the amount of said land bonds shall not exceed two and a half dollars per acre for all lands covered by the mortgage or mortgages securing the same.

Mortgages to be filed, &c., in the Department of the Interior, and this to be evidence of their execution.

SEC. 3. That all the mortgages made and executed by said railroad company shall be filed and recorded in the Department of the Interior, which shall be a sufficient evidence of their legal execution: *Provided*, That the aforesaid bonds and the authorized capital stock, or the proceeds thereof, shall be applied only for the purpose of securing the construction, operation, and equipment of the contemplated railroad line,

Proceeds of bonds and stock, how only to be applied.

under lawful contracts with such parties, and on such terms and conditions as said company may deem needful, and for the further purpose of purchase, consolidation, completion, equipment, and operating of the other roads, as contemplated by said act and specified therein, being a part of the aforesaid railroad line, and for the expenses necessary and incident to the works authorized thereby: *Provided, however*, That said road and its equipment shall be of the standard heretofore required by the United States Government for the existing Pacific railway lines:

Standard of road and equipment.

Existing liens not affected.

And *provided further*, That said mortgage or mortgages shall in nowise impair or affect any lien existing on the property of said company or companies at or before the time of such consolidation.

The iron or steel rails to be made from American ore.

SEC. 4. That said road shall be constructed of iron or steel rails manufactured from American ore, except such as may have been contracted for before consolidation by any railroad company which may be purchased by or consolidated with this company.

Construction of road to be commenced where, and to be continued in what direction.

SEC. 5. That the said Texas and Pacific Railway Company shall commence the construction of its road at or near Marshall, Texas, and proceed with its construction, under the original act and this supplement, or in pursuance of the authority derived from any consolidation as aforesaid, westerly from a point near Marshall, and towards San Diego, in the State of California, on the line authorized by the original act,

Two hundred miles to be running order in two years, and not less than 100 miles a year afterwards.

and so prosecute the same as to have at least one hundred consecutive miles of railroad from said point complete and in running order within two years after the passage of this act; and so continue to construct, each year thereafter, a sufficient number of miles, not less than one hundred, to secure the completion of the whole line, from the aforesaid point on the eastern boundary of the State of Texas to the bay of San Diego, in the State of California, as aforesaid, within ten years after the passage of this act; and said road from Marshall, Texas, throughout the length thereof, shall be of uniform gauge: *Provided, however*, That

Time of completion.

Gauge.

Road from San Diego eastward, when and how to be built.

the said company shall commence the construction of said road from San Diego eastward within one year from the passage of this act, and construct not less than ten miles before the expiration of the second year, and, after the second year, not less than twenty-five miles per annum in continuous line thereafter between San Diego and the Colorado River until the junction is formed with the line from the east at the latter point or east thereof; and upon failure to so complete it, Congress may adopt such measures as it may deem necessary and proper to secure its speedy completion; and it shall also be lawful for said company to commence and prosecute the construction of its line from any other point or points on its line; but nothing in this act contained shall be so construed as to authorize the grant of any additional lands or subsidy, of any nature or kind whatsoever, on the part of the Government of the United States: *Provided*, That said Texas and Pacific Railway Company shall be, and it is hereby, authorized and required to construct, maintain, control, and operate a road between Marshall, Texas, and Shreveport, Louisiana, or control and operate any existing road between said points, of the same gauge as the said Texas and Pacific Railroad; and that all roads terminating at Shreveport shall have the right to make the same running connections, and shall be entitled to the same privileges, for the transaction of business in connection with the said Texas and Pacific Railway, as are granted to roads intersecting therewith: *Provided further*, That nothing herein shall be construed as changing the terminus of said Texas and Pacific Railway from Marshall as provided in the original act.

Road between Marshall and Shreveport, &c.

SEC. 6. That all acts or parts of acts inconsistent with this supplement be, and the same are hereby, repealed. (a)

Repealing clause.

(a) See Nos. 1121, 2092, 2096, 2099, 2107, 2113, 2129, 2130, 2349, 2360, 2363, 2366, 2367, 2369, 2372, 2373, 2375, 2377, 2378, 2379, 2381, 2382, 2383, 2391, 2397, 2400, 2401, 2402, 2403, 2411, 2412.

No. 2396.—AN ACT to restore certain property to Phineas Banning and Benjamin D. Wilson.

Feb. 25, 1873.
Vol. 17, p. 737.

Preamble.

Whereas Phineas Banning conveyed to the United States of America, by deeds dated October thirty-first, eighteen hundred and sixty-three, and February twenty-eighth, eighteen hundred and sixty-five, certain lands in the town of Wilmington, or New San Pedro, in the county of Los Angeles, State of California, and said Phineas Banning and Benjamin D. Wilson conveyed to the United States, by deed dated February twelfth, eighteen hundred and sixty-four, certain other lands in said town for the sole and only consideration of one dollar; and whereas said premises are not devoted or at all necessary to any public use: Now therefore

Be it enacted, &c., That there be, and there is hereby, reconveyed and quitclaimed to Phineas Banning those three certain pieces of land situate in the town of Wilmington, county of Los Angeles, State of California, heretofore donated by the said Phineas Banning to the United States of America, two of said pieces on the thirty-first day of October, eighteen hundred and sixty-three, by deed of that date, recorded in book six of deeds, page two hundred and eighty-six, records of said Los Angeles County, and the third of said pieces on the twenty-eighth day of February, eighteen hundred and sixty-five, by deed of that date, recorded in book seven of deeds, page one hundred and twenty-two, records of said Los Angeles County.

Certain land in California to be reconveyed to Phineas Banning.

SEC. 2. That there be, and there is hereby, reconveyed and quitclaimed to Phineas Banning and Benjamin D. Wilson, as tenants in common, that certain piece of land situate in the town of Wilmington, county of Los Angeles, State of California, donated by the said Phineas Banning and Benjamin D. Wilson to the United States of America on the twelfth day of February, eighteen hundred and sixty-four, by deed of that date, recorded in book six of deeds, page three hundred and eighty-seven, records of said Los Angeles County.

Certain land in California to be reconveyed to Phineas Banning and Benjamin D. Wilson.

SEC. 3. That this act shall not take effect and the surrender of said premises shall not be made by the United States to Phineas Banning and Benjamin D. Wilson, until the Secretary of War shall have disposed of the buildings thereon; and the Secretary of War is authorized to remove said buildings, or to sell the same, as shall be most for the interest of the United States.

When act takes effect.

Buildings.

No. 2397.—AN ACT supplemental to an act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March third, eighteen hundred and seventy-one.

March 3, 1873.
Vol. 17, p. 598.

Be it enacted, &c., That the face value of all bonds hereafter issued by the Texas and Pacific Railroad Company, under the provisions of an act approved March third, eighteen hundred and seventy-one, shall, at the option of the company, be either in gold, or other lawful money of the United States, bearing interest, at like option of the company, either in gold or other lawful money of the United States; and any mortgage heretofore executed by said company, securing bonds payable in any lawful money of the United States other than gold, and the bonds recited therein, and to secure which, said mortgage was given, are hereby legalized, and said mortgage and bonds shall have the same effect as though they had been authorized by the act to which this is a supplement. *Provided,* That in all other respects the requirements of that law in regard to such mortgage and bonds have been fully complied with. (a)

Face value of bonds hereafter issued by the Texas and Pacific Railroad Company may be in gold or lawful money. Former mortgages legalized, *if, &c.*

(a) See Nos. 1121, 2092, 2096, 2099, 2107, 2113, 2129, 2130, 2349, 2360, 2363, 2366, 2367, 2369, 2372, 2373, 2375, 2377, 2378, 2379, 2381, 2382, 2383, 2391, 2395, 2400, 2401, 2402, 2403, 2411, 2412.

No. 2398.—AN ACT to provide for a board of commissioners to report a system of irrigation for the San Joaquin, Sacramento and Tulare in California.

March 3, 1873.
Vol. 17, p. 632.

Be it enacted, &c., That the President be, and he is hereby, authorized to assign two engineers of the Army and one officer of the Coast Survey, now stationed on the Pacific Coast, for the purpose of examining and reporting on a system of irrigation in the San Joaquin, Tulare, and Sacramento valleys of the State of California; and for that purpose the officers so assigned may associate with themselves the chief of the geological survey of California, and also one other civilian distinguished for his knowledge of the subject.

Board of commissioners to report a system of irrigation for the San Joaquin, &c., valleys in California.

SEC. 2. That these five persons shall constitute a board, with power to fill vacancies, whose duty it shall be to make a full report to the President on the best system of irrigation for said valleys, with all duties.

Board to consist of whom; their powers and duties.

Report.

necessary plans, details, engineering, statistical, and otherwise, which report the President shall transmit to Congress at its next session, with such recommendations as he shall think proper.

Subsistence,
transportation,
and compensation.

SEC. 3. That the Secretary of War shall furnish subsistence and transportation for the board while in the field, and the compensation of the members of the board who are not in the service of the United States shall not exceed two thousand dollars each, but the other members of the board shall receive no additional compensation for their services.

March 3, 1873.
Vol. 17, p. 633.

No. 2399.—AN ACT to restore a part of the Round Valley Indian reservation, in California, to the public lands and for other purposes.

Part of Round
Valley Indian
reservation in
California restor-
ed to public
lands, &c.

Be it enacted, &c., That all that portion of the Indian reservation in Round Valley California which lies south of the township line running east and west between townships twenty-two and twenty-three north, of ranges twelve and thirteen west of the Mount Diablo meridian, be, and the same is hereby restored to the public lands of the United States, and the Secretary of the Interior shall cause the same to be surveyed and offered for sale in legal subdivisions, at not less than one dollar and twenty-five cents per acre; *Provided,* That the improvements owned by persons on the lands hereby restored before the passage of this act shall be the sole property of such persons, who shall have priority of right to purchase not exceeding three hundred and twenty acres of land in adjacent quarter-sections, containing and adjoining said improvements; and all said lands shall be sold and disposed of for cash only, the same to be done through the local land office—within the jurisdiction of which these lands are situated; (a) *And provided further,* That the proceeds of the sale of the lands hereby restored, or so much thereof as may be necessary, shall be used to pay for the improvements and claims of settlers now residing within the limits of the new reservation created under this act, and for improvements of Indians on lands hereby restored to the public lands, after such improvements shall have been appraised and the appraisement approved, as hereinafter provided.

Improvements.

Sales for cash.

Proceeds of
sales how to be
applied.

Southern and
western bound-
aries of the Round
Valley reserva-
tion.

SEC. 2. That said township line between townships twenty-two and twenty-three north, extending from the Middle Fork of Eel River on the east to Eel River on the west, shall hereafter be the southern boundary of the Indian reservation in Round Valley; and the centre of the Middle Fork of Eel River shall be the eastern boundary, and the centre of Eel River shall be the western boundary of said reservation, with the privilege of fishing in said streams. And the Secretary of the Interior is hereby authorized and directed to appoint three commissioners, who shall proceed to make an examination of the country in that locality and report their views in regard to where the northern line of this reservation should be located; they shall also make an appraisement of all improvements of white persons north of said southern boundary of the reservation, as established by this section of this act, within the limits proposed by them for a reservation, and of all Indians south of said line, and report the same to the Secretary of the Interior, who shall cause the same to be paid to such settlers or Indians out of the money hereinbefore reserved for such purpose.

Inquiry to lo-
cate the northern
boundary.

Appraisement
of improvements.

Certain lands
to be withdrawn
from entry or sale
under the home-
stead and pre-
emption laws.

SEC. 3. That immediately after the passage of this act the President shall cause to be withdrawn from sale or entry under the homestead and pre-emption laws all the land lying north of the southern boundary of the reservation, as herein defined, and bounded north by the Eel River and the North Fork of said river, east by the Middle Fork, and west by Eel River; and the report of said commission fixing the north boundary of said reservation shall have been approved; and all settlers now residing upon the tract herein described lying north of the south boundary of said reservation shall be required to remove therefrom as soon as they shall be paid for or tendered the amount of the appraised value of their improvements.

Settlers to be
required to re-
move, when, &c.

Appropriation.

SEC. 4. That there shall hereafter be appropriated out of any money in the Treasury of the United States not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary, for the purpose of defraying the expenses of the commission provided for in this act. (b)

(a) See Nos. 2324, 2337, 2349, 2351, 2352, 2353, 2354, 2362, 2364, 2369, 2371, 2373, 2375, 2380, 2387, 2391, 2393, 2400, 2401, 2405, 2409.

(b) See Nos. 2323, 2329, 2333, 2335, 2340, 2352, 2380

No. 2400.—AN ACT to forfeit to the United States certain lands granted to the Placerville and Sacramento Valley Railroad Company to aid in constructing a railroad from the town of Folsom to the town of Placerville, in the State of California. April 15, 1874. Vol. 18, p. 29.

Be it enacted, &c., That all lands which were granted by Congress in the year eighteen hundred and sixty-six to the Placerville and Sacramento Valley Railroad Company to aid in constructing a railroad from the town of Folsom to the town of Placerville, in the State of California, (a) and which have not been patented by the United States to said company under said grant which have expired by limitation, are hereby declared forfeited to the United States, and these lands shall hereafter be disposed of as other public lands of the United States. (b) Forfeiture of certain lands granted to the Placerville and Sacramento Valley Railroad Company.

- (a) See Nos. 1121, 2092, 2096, 2099, 2107, 2113, 2129, 2130, 2349, 2360, 2363, 2366, 2367, 2369, 2372, 2373, 2375, 2377, 2378, 2379, 2381, 2382, 2383, 2391, 2395, 2397, 2401, 2402, 2403, 2411, 2412.
(b) See Nos. 2324, 2327, 2346, 2351, 2352, 2353, 2354, 2362, 2364, 2369, 2371, 2372, 2375, 2380, 2387, 2391, 2393, 2399, 2401, 2405, 2409.

No. 2401.—AN ACT to forfeit certain public lands granted to the Stockton and Copperopolis Railroad, in the State of California. June 15, 1874. Vol. 18, p. 72.

Be it enacted, &c., That all lands which were granted by Congress in the year eighteen hundred and sixty-seven, to the Stockton and Copperopolis Railroad, to aid in the construction of a railroad from the city of Stockton to the town of Copperopolis, in the State of California, (a) and which have not been patented by the United States to said company under said grant, which has expired by limitation, are hereby declared forfeited to the United States, and these lands shall hereafter be disposed of as other public lands of the United States. (b) Forfeiture of lands granted to the Stockton and Copperopolis Railroad.
To be disposed of as other public lands of the United States.

- (a) See Nos. 1121, 2092, 2096, 2099, 2107, 2113, 2129, 2130, 2349, 2360, 2363, 2366, 2367, 2369, 2372, 2373, 2375, 2377, 2378, 2379, 2381, 2382, 2383, 2391, 2395, 2397, 2400, 2402, 2403, 2411, 2412.
(b) See Nos. 2324, 2327, 2346, 2351, 2352, 2353, 2354, 2362, 2364, 2369, 2371, 2372, 2375, 2380, 2387, 2391, 2393, 2399, 2400, 2405, 2409.

No. 2402.—AN ACT granting to the Nevada County Narrow Gauge Railroad Company a right of way through the public lands for a railroad. June 20, 1874. Vol. 18, p. 130.

Be it enacted, &c., That the right of way through the public lands be, and the same is hereby, granted to the Nevada County Narrow Gauge Railroad Company, a corporation organized under the laws of the State of California and having its principal place of business in Grass Valley, Nevada County, State of California, its successor and assigns, for a railroad from Colfax to Nevada City, by the most direct, practicable route, being a distance of about twenty miles. Said right of way is granted to said railroad to the extent of fifty feet in width on each side of said railroad where it may pass through the public domain, including the right to take, from the public lands adjacent, materials of earth, stone, and timber necessary for the construction thereof; also including grounds for station-buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations, to an amount not exceeding ten acres not mineral lands for each station, which stations shall not occur oftener than one in ten miles: *Provided*, That the grant hereby made shall not take effect on any lands to which any bona-fide pre-emption or homestead claim has attached before the definite location of the line of road, and the designation of the lands to be appropriated under this law: *Provided further*, That within six months from the passage of this act the Nevada County Narrow Gauge Railroad Company shall file with the Secretary of the Interior a map to be approved by him, exhibiting the line of the railroad of said company, as the same has been located and the ground to be occupied at the several stations; *And provided further*, That the said railroad shall be completed within four years from the passage of this act. Right of way through public lands to Nevada County Narrow Gauge Railroad Company.
Width of grant.
What to include.
Priority of pre-emption and homestead claims.
Map to be filed within six months.
Time for completion of road.

SEC. 2. That in case the right of way granted by this act extends through any canyon, pass, or defile, any other railroad corporation shall not be excluded from a passage through the same or over and upon the track of the constructed road upon equitable terms; and in case of disagreement, upon application of either of the parties, the same shall be adjusted by the Secretary of the Interior, after hearing, upon reasonable notice to the parties, whose decision may be enforced by a court of Interior. Use of track, &c., in certain cases by other roads.
Reference of disputes to the Secretary of the Interior.

Enforcement of his decisions. Right of other roads to cross at grade. Act may be amended, altered, or repealed.

competent jurisdiction; *Provided*, That this act shall not prevent other railroads from crossing the same at grade, *And provided further* That the right of Congress at any time to amend, alter or repeal this act is hereby reserved. (a)

(a) See Nos. 1129, 2092, 2096, 2099, 2107, 2113, 2129, 2130, 2349, 2360, 2363, 2364, 2367, 2369, 2372, 2373, 2375, 2377, 2378, 2379, 2381, 2382, 2383, 2391, 2395, 2397, 2400, 2401, 2403, 2411, 2412.

June 22, 1874.
Vol. 18, p. 197.

No. 2403.—AN ACT supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes."

Texas and Pacific Railroad Company authorized to secure construction bonds by new mortgages.

To cancel mortgage on record with Secretary of the Interior.

To substitute mortgages authorized by this act.

Limit heretofore fixed not to be exceeded.

What new mortgages shall embrace.

Consolidated roads, how to be deemed.

No other or further rights granted.

Be it enacted, &c., That the Texas and Pacific Railway Company is hereby empowered to secure by one or more mortgages upon the whole or any portion of its line, the construction bonds heretofore authorized to be issued, and to cancel the mortgage now on record with the Secretary of the Interior so far as the same can be done without prejudice to existing rights, and to substitute therefor the mortgage or mortgages hereby authorized, which substituted mortgages shall expressly reserve all rights which may have been acquired under the existing mortgage: *Provided*, That the aggregate of the said bonds to be issued under and secured by said mortgage or mortgages shall not exceed the limit heretofore fixed by Congress; and the said mortgages for the division east of Fort Worth shall embrace the roads and property of the Southern Pacific Railroad Company and of the Southern Trans-Continental Railway Company, heretofore merged in and consolidated with the said Texas and Pacific Railway Company, under the authority and requirements of the laws of the State of Texas; and which roads so merged as aforesaid shall for that and all other purposes be deemed and taken to be a part of the said Texas and Pacific Railway, and shall hereafter be subject to all the provisions and limitations of the act of Congress incorporating said company and of the supplements thereto: *And provided further*, That nothing in this act shall be construed or have the effect to entitle said corporation to any other or further rights to public lands, or in any other respect as against the United States, than such as by law it is now entitled to. (a)

(a) See Nos. 1121, 2092, 2096, 2099, 2107, 2113, 2129, 2130, 2349, 2360, 2363, 2366, 2367, 2369, 2372, 2373, 2375, 2377, 2378, 2379, 2381, 2382, 2383, 2391, 2395, 2397, 2400, 2401, 2403, 2411, 2412.

March 3, 1875.
Vol. 18, p. 332.

No. 2404.—AN ACT making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes.

Rancho Panoche Grande. Report to Congress.

Be it enacted, &c., * * * That the Secretary of the Interior be, and he is hereby, authorized and directed to cause a careful examination to be made for the purpose of ascertaining whether any person, firm, or corporation is now occupying any larger portion of the lands known as Rancho Panoche Grande, than is authorized and allowed by the laws relating to mining lands; and that he make full and detailed report of such examination to Congress at the beginning of the next session; and to enable the Secretary of the Interior to carry into effect this provision, the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated.

March 3, 1875.
Vol. 18, p. 497.

No. 2405.—AN ACT to provide for the sale of desert lands in Lassen County, California.

Declaration of intention to reclaim desert land in Lassen County, California; by whom may be filed.

Be it enacted, &c., That it shall be lawful for any citizen of the United States, or any person of requisite age who may be entitled to become a citizen, and who has filed his declaration of intention to become such, to file a declaration with the register and the receiver of the proper land district for the county of Lassen, California, in which any desert land is situated, that he intends to reclaim a tract of desert land situated in said county, not exceeding one section, by conducting water upon the same, so as to reclaim all of said land within the period of two years thereafter; and said declaration shall be under oath and shall describe particularly said section of land, if surveyed, and, if unsurveyed, shall

describe the same as nearly as possible without a survey; which said declaration shall be supported by the affidavit of at least two credible witnesses, establishing to the satisfaction of the register or receiver the fact that said lands are of the character described in this act. And at any time within the period of two years after filing said declaration, and upon making satisfactory proof of the reclamation of said tract of land in the manner aforesaid, before the register and the receiver of said land office, such person shall be entitled to enter or locate the reclaimed section, or any part thereof, in the same manner as in cases where public lands of the United States are subject to entry, at a price not exceeding one dollar and twenty-five cents per acre, and shall receive a patent therefor. (a)

Form and contents of declaration, how supported.

Right of entry after reclaiming land.

Price.

SEC. 2. That all lands within said county of Lassen, exclusive of timber lands and of mineral lands, which do not produce grass, or which will not, without such reclamation, produce some agricultural crop, shall be deemed desert lands within the meaning of this act.

Desert lands defined.

(a) See Nos. 2324, 2327, 2348, 2351, 2352, 2353, 2354, 2362, 2364, 2369, 2371, 2372, 2375, 2380, 2387, 2391, 2393, 2399, 2400, 2401, 2409.

No. 2406.—AN ACT to relinquish the interests of the United States in certain lands to the city and county of San Francisco, in the State of California.

May 9, 1876.
Vol. 19, p. 52.

Be it enacted, &c., That all the right and title of the United States to the following-described portion of the military reservation known as the Presidio, or Fort Point reservation, situated in the city and county of San Francisco, State of California, be, and the same are hereby, relinquished to the said city and county, and its successors, assigns, and vendees, for the benefit of persons who, if the said land had not been reserved for public use, would have been entitled thereto under the ordinances numbered eight hundred, of the city of San Francisco, ratified by act of the legislature of said State, approved on the twenty-seventh day of March, eighteen hundred and sixty-eight, entitled "An act to confirm a certain order passed by the board of supervisors of the city of San Francisco," relating to these premises, and being more particularly described as follows: Commencing at the southeasterly corner of the said Presidio, or Fort Point reservation, and thence running in a direct line due north to the shore-line of the Bay of San Francisco; thence westerly along the said shore-line to a point eighty feet west of the easterly line of the said Presidio, or Fort Point reservation, as established by the United States authorities, said eighty feet being relinquished for a public highway, or street, named Lyon street; thence southerly to a point on the southerly line of said reservation, where the west line of Lyon street intersects said line; thence easterly to the point of commencement, to conform as near as possible to the plan of the city-map of streets of San Francisco outside of reservation, said plan being now on file in the office of the War Department of the city of Washington: *Provided*, That Lyon street shall be extended to the Bay of San Francisco eighty feet wide, and is hereby dedicated for a public highway and street forever: *Provided further*, That Broadway, Vallejo, Green, Union, Filbert, Greenwich, Lombard, Chestnut, Francisco, Bay, North Point, Jefferson, Tonquin and Lewis streets as laid down on the official map of the city and county of San Francisco, be extended westerly to intersect the easterly line of Lyon street as herein provided, be, and are hereby, dedicated as public highways and streets forever. (a)

Part of Presidio reservation relinquished to San Francisco.

Description.

Streets.

Proviso.

Proviso.

(a) See Nos. 2344, 2358, 2365, 2384, 2408.

No. 2407.—AN ACT granting a site for an observatory to the trustees of the Lick Observatory of the astronomical department of the University of California.

June 7, 1876.
Vol. 19, p. 57.

Be it enacted, &c., That whereas James Lick, of San Francisco, California, has, by deed of trust, given a large sum of money for the erection and equipment of an observatory, dedicating the same to the astronomical department of the University of California for scientific and educational purposes, and has selected Mount Hamilton, in the county of Santa Clara, and State aforesaid, as the site for said observatory, and which is situate on the public lands of the United States, in township seven south, and range three east, Mount Diablo meridian, the following-described land in said township is hereby reserved from sale or dis-

Site for Lick Observatory reserved from sale.

posal under the general laws of the United States, to wit, section nine, the north half of section ten, the south half of section three, and the fractional section seventeen.

Grant of site. SEC. 2. That so much of said land as is not already granted or disposed of by the United States, to wit, section nine, the north half of section ten, the south half of section three, and fractional section seventeen, be, and the same is hereby, granted to the trustees of the Lick Observatory of the astronomical department of the University of California, with authority and in trust to convey the same to the regents of the University of California, and their successors, in trust for the use and benefit of the astronomical department of the University of California: *Provided*, That if the land herein granted shall be used for any other purpose than the site of said observatory, and the necessary purposes in connection therewith, the same shall revert to the United States.

Proviso.

Aug. 11, 1876. **No. 2408.**—AN ACT to relinquish the title of the United States to certain property in the city and county of San Francisco, California.

Title to old marine hospital grounds in San Francisco relinquished. *Be it enacted, &c.*, That all the right and title of the United States to the following-described property is hereby relinquished to the city and county of San Francisco, the same being the two fifty vara lots on which the old marine hospital building now stands, fronting two hundred and seventy-five feet on the north side of Harrison street, between Spear and Main streets, with a uniform depth of one hundred and thirty-seven feet and six inches, as laid down on the official map of said city to be used by the city and county of San Francisco solely for the purposes of a sailors' home: *Provided*, That if the same shall at any time be used for any other than the purpose aforesaid, or if said home shall not be opened within one year from the passage of this act, in each such case all right and title hereby relinquished shall revert back to, and again vest in the United States. (a)

Proviso.

(a) See Nos. 2344, 2358, 2365, 2384, 2406.

March 1, 1877. **No. 2409.**—AN ACT relating to indemnity school selections in the State of California.

Indemnity school lands confirmed to California. *Be it enacted, &c.*, That the title to the lands certified to the State of California, known as indemnity school selections, which lands were selected in lieu of sixteenth and thirty-sixth sections, lying within Mexican grants, of which grants the final survey had not been made at the date of such selection by said State, is hereby confirmed to said State in lieu of the sixteenth and thirty-sixth sections, for which the selections were made. (a)

When by final survey school sections are not in Mexican grants. SEC. 2. That where indemnity school selections have been made and certified to said State, and said selections shall fail by reason of the land in lieu of which they were taken not being included within such final survey of a Mexican grant, or are otherwise defective or invalid, the same are hereby confirmed, and the sixteenth and thirty-sixth section in lieu of which the selection was made shall, upon being excluded from such final survey, be disposed of as other public lands of the United States: *Provided*, That if there be no such sixteenth or thirty-sixth section, and the land certified therefor shall be held by an innocent purchaser for a valuable consideration, such purchaser shall be allowed to prove such facts before the proper land office, and shall be allowed to purchase the same at one dollar and twenty-five cents per acre, not to exceed three hundred and twenty acres for any one person: *Provided*, That if such person shall neglect or refuse, after knowledge of such facts, to furnish such proof and make payment for such land, it shall be subject to the general land laws of the United States. (b)

Innocent purchasers of land certified for school sections protected.

Proviso.

Confirmation not to extend to claims of actual settlers. SEC. 3. That the foregoing confirmation shall not extend to the lands settled upon by any actual settler claiming the right to enter not exceeding the prescribed legal quantity under the homestead or pre-emption laws: *Provided*, That such settlement was made in good faith upon lands not occupied by the settlement or improvement of any other person, and prior to the date of certification of said lands to the State of California by the Department of the Interior: *And provided further*,

If settlement made in good faith.

That the claim of such settler shall be presented to the register and receiver of the district land office, together with the proper proof of his settlement and residence, within twelve months after the passage of this act, under such rules and regulations as may be established by the Commissioner of the General Land Office.

Time for proof of settlement, &c., limited.

SEC. 4. That this act shall not apply to any mineral lands, nor to any lands in the city and county of San Francisco, nor to any incorporated city or town, nor to any tide, swamp, or overflowed lands.

Not to apply to mineral lands, &c.

(a) See Nos. 2324, 2371.

(b) See Nos. 23-4, 2327, 2348, 2351, 2352, 2353, 2354, 2362, 2364, 2369, 2371, 2372, 2375, 2380, 2387, 2391, 2393, 2399, 2400, 2401, 2405.

No. 2410.—AN ACT for the relief of Louis Rose.

March 3, 1877.
Vol. 19, p. 539.

Be it enacted, &c., That all claim of title of the United States to blocks ninety-three and ninety-four in the city of San Diego, California, as designated and described on the map made by Charles H. Poole, in or about the year eighteen hundred and fifty-six, for the authorities of said city, (being the blocks numbered fifty-four and fifty-six on the map made in or about the year eighteen hundred and forty-nine, by Cave J. Couts, lieutenant United States Army,) be, and the same hereby is, quitclaimed and released to Louis Rose, the equitable owner of said blocks.

Title of the United States to certain lots in San Diego, California, released to Louis Rose.

No. 2411.—AN ACT to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July first, eighteen hundred and sixty-two, and also to alter and amend the act of Congress approved July second, eighteen hundred and sixty-four, in amendment of said first-named act.

May 7, 1878.
Vol. 20, p. 56.

[See NEBRASKA, No. 2129.]

No. 2412.—AN ACT to create an Auditor of Railroad Accounts and for other purposes.

June 19, 1878.
Vol. 20, p. 169.

[See NEBRASKA, No. 2130.]

No. 2413.—AN ACT to authorize the claimants to certain lands in Santa Barbara County, California, to submit their claim to the United States district court for that State for adjudication.

June 19, 1878.
Vol. 20, p. 172.

Be it enacted, &c., That the claimants to lands situated in Santa Barbara County, California, known as the Rancho Las Cruces, who deraign title through the original Mexican grantee of said rancho, are hereby permitted and authorized to present their claim to said lands to the district court of the United States for the district of California for examination; and if, upon the hearing of said case, it shall appear to said court that the claim of the original grantee was good and valid under Mexican laws relating to such cases, the said court shall by decree confirm said claim: *Provided*, That no lands shall be confirmed to said claimants by said decree exceeding in area eight thousand eight hundred and eighty-eight acres, nor any lands to which there are any valid claims existing under the pre-emption or homestead laws of the United States at the date of the passage of this act; nor shall any decree of confirmation affect any valid adverse right of any other person or persons, or give to the confirmees, or any of them, any claim upon the United States for compensation for any land such confirmees may lose by reason of pre-emption or homestead claims or adverse rights as aforesaid: *Provided further*, That said claimants, before filing their claim shall execute releases to any persons who may be in possession of any portion of said lands under valid claims under the pre-emption, homestead, or other laws of the United States at the date of the passage of this act, to the portions of said lands so held respectively; and before rendering a decree of confirmation, the said court shall ascertain that said releases have been duly executed.

Rancho Las Cruces.
Claimants may proceed in district court of California.

Limits of confirmation.

Preliminary releases.

SEC. 2. That in case said claim is rejected by said court then said claimants are hereby granted the right of appeal to the Supreme Court of the United States, within the time and in the manner now provided by law in like cases. The said courts in the examination of the claims presented by any person under this act, shall be governed, so far as applicable, by the provisions of the act passed March third anno Domini eighteen hundred and fifty-one, entitled "An act to ascertain and settle private land claims in the State of California."

Appeal.

Law governing case.

Survey on filing
final decree.

Patent.

SEC. 3. That the United States surveyor-general for California is hereby directed, upon the filing in his office by said claimants of a certified copy of a final decree of confirmation, under the provisions of this act, to cause said claim to be surveyed as other claims of like nature are now surveyed under existing laws; and upon the approval of said survey by the Commissioner of the General Land Office a patent shall issue to said claimants in the usual form.

Jan. 22, 1879.
Vol. 20, p. 593.

No. 2414.—AN ACT for the adjudication of title to lands claimed by Jose Apis and Pablo Apis in the State of California.

Jose Apis.
Pablo Apis.
Claim to La
Iolla Rancho re-
ferred to courts.

Be it enacted, &c., That the legal representatives, successors, or assignees of Jose Apis and Pablo Apis, or either of them, be, and they are hereby, permitted to file their claim and title to a certain tract of land in California known as La Iolla Rancho, in and before the United States district court of California; and that said court shall have the same jurisdiction in all things, to be exercised originally: to hear and determine upon the said claim and title, and to confirm or reject the same, as the several district courts had under the act of Congress of March third, eighteen hundred and fifty-one, and acts amendatory thereunto. And the Supreme Court of the United States shall have jurisdiction to hear and determine said cause, upon appeal, as decided in said acts:

Adverse rights
saved.

Provided, That no lands shall be confirmed to said claimants by said decree to which there are valid claims existing under the pre-emption, homestead or other laws of the United States at the date of the passage of this act; nor shall any decree of confirmation affect any valid adverse right of any other person or persons, or give to the confirmees, or any of them, any claim upon the United States for compensation for any land such confirmees may lose by reason of pre-emption or homestead claims or adverse rights as aforesaid; and that no decree shall be rendered for more than two square leagues: *Provided further,* That said claimants before filing their claim and title shall execute releases to any persons who may be in possession of any portion of said lands under valid claims under the pre-emption, homestead or other laws of the United States at the date of the passage of this act, to the portions of said lands so held respectively, and before rendering a decree in confirmation the said court shall ascertain that said releases have been duly executed.

Releases to ad-
verse claimants.

June 9, 1880.
Vol. 21, p. —.

No. 2415.—AN ACT to authorize the Roman Catholic bishops in California to sell certain church lands.

Preamble.

Whereas certain lands known as the Canada de los Pinos or College Ranch, situate in Santa Barbara County, State of California, pursuant to the decree of the board of land commissioners appointed under the act of Congress approved March third, eighteen hundred and fifty-one, entitled "An act to ascertain and settle the private land claims in the State of California," were granted by patent of the United States dated February twenty-eighth, eighteen hundred and sixty-one, to Joseph Sadoc Alemany, Roman Catholic bishop of Monterey, in the State of California, and his successors, "in trust for the religious purposes and uses to which the said lands have been respectively appropriated;" the said patent being recorded in the proper office at Washington City, in volume three, pages two hundred and twenty-eight to two hundred and thirty-five, inclusive; and

Whereas it is found that said lands are not suitably located for said purposes and uses: Therefore

Bishop of Mon-
terey authorized
to sell and convey
certain land.

Be it enacted, &c., That the said lands or any part or parts thereof may be sold and conveyed by said grantee or his successors in such trust, discharged of said trust, and that said grantee or his successors shall be bound to apply the proceeds of said College Ranch, and of all such sales in such other places as they may deem more suitable for the purposes and uses of said trust, discharged from the obligation, if any, of keeping the seminary college on said ranch, but not from that of keeping one or more seminary colleges in accordance with the object of the trust: *Provided, however,* That the purchaser or purchasers shall not be responsible for the proper application of the purchase money. (a)

Application of
proceeds.

(a) See No. 2353.

NEVADA.

No. 2416.—AN ACT to authorize the President of the United States in conjunction with the State of California, to run and mark the boundary lines between the Territories of the United States and the State of California.

May 26, 1860.
Vol. 12, p. 22.

[See CALIFORNIA, No. 2341.]

No. 2417.—AN ACT to organize the Territory of Nevada.

March 2, 1861.
Vol. 13, p. 209.

Be it enacted, &c., That all that part of the territory of the United States, included within the following limits, to wit:—beginning at the point of intersection of the forty-second degree of north latitude with the thirty-ninth degree of longitude west from Washington; thence, running south on the line of said thirty-ninth degree of west longitude, until it intersects the northern boundary line of the Territory of New Mexico; thence due west to the dividing ridge separating the waters of Carson Valley from those that flow into the Pacific; thence on said dividing ridge northwardly to the forty-first degree of north latitude; thence due north to the southern boundary line of the State of Oregon; thence due east to the place of beginning, be, and the same is hereby, erected into a temporary government by the name of the Territory of Nevada: *Provided*, That so much of the Territory within the present limits of the State of California shall not be included within this Territory until the State of California shall assent to the same by an act irrevocable without the consent of the United States: *Provided, further*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries and constitute no part of the Territory of Nevada, until said tribe shall signify their assent to the President of the United States to be included within the said Territory, or to affect the authority of the Government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent for the Government to make if this act had never passed: *Provided, further*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion thereof to any other Territory or State. (a)

Territory of Nevada established.
Boundaries.

Proviso as to portion within California.

Indian rights preserved.

Territory may be divided into two or more Territories, &c.

SEC. 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents; nor shall any law be passed impairing the rights of private property; nor shall any discrimination be made in taxing different kinds of property; but all property subject to taxation shall be in proportion to the value of the property taxed.

Legislative power.

SEC. 14. *And be it further enacted*, That when the land in said Territory shall be surveyed, under the direction of the Government of the United States, preparatory to bringing the same into market, sections

School sections.

numbered sixteen and thirty-six in each township in said Territory shall be, and the same is hereby, reserved for the purpose of being applied to schools in the States hereafter to be erected out of the same. (b)

Constitution,
&c., applicable,
&c.

SEC. 16. *And be it further enacted*, That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of Nevada as elsewhere within the United States.

Surveyor-gen-
eral to be ap-
pointed.

SEC. 17. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a surveyor-general for Nevada, who shall locate his office at such place as the Secretary of the Interior shall from time to time direct, and whose duties, powers, obligations, responsibilities, compensation, and allowances for clerk hire, office rent, fuel, and incidental expenses, shall be the same as those of the surveyor-general of New Mexico, under the direction of the Secretary of the Interior, and such instructions as he may from time to time deem it advisable to give him. (c)

Pay, &c.

(a) See Nos. 2341, 2416, 2422, 2423, 2425, 2428.

(b) See Nos. 2423, 2470, 2432, 2439.

(c) See Nos. 2172, 2346, 2348, 2418, 2419, 2424, 2427, 2430.

March 14, 1862.
Vol. 12, p. 355.

No. 2418.—AN ACT making appropriations, &c.

[Nevada surveying district united to that of California. See CALIFORNIA, No. 2346.]

May 30, 1862.
Vol. 12, p. 409.

No. 2419.—AN ACT to reduce the expenses of the survey and sale of the public lands in the United States.

[Surveying district of Nevada to be united to that of California. See CALIFORNIA, No. 2348.]

July 1, 1862.
Vol. 12, p. 489.

No. 2420.—AN ACT to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes.

[See NEBRASKA, No. 2092.]

July 2, 1862.
Vol. 12, p. 503.

No. 2421.—AN ACT to establish a land district in the Territory of Nevada, and for other purposes.

Land district
of Nevada estab-
lished.

Be it enacted, &c., That the public lands of the United States in the Territory of Nevada shall constitute a land district, to be called the district of Nevada, the office for which shall be established at such place within said district as the President of the United States may from time to time direct, and the preemption laws are hereby extended to said Territory.

Register and
receiver to be ap-
pointed.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and receiver for said district, who shall be required to reside at the site of said office, and who shall have the same powers and perform the same duties as are now or may hereafter be prescribed by law for other land officers, and whose compensation shall be the same as allowed to such officers by the act approved April twenty, eighteen hundred and eighteen, entitled "An act for changing the compensation of receivers and registers of the land offices." (a)

(a) See Nos. 2432, 2435.

July 14, 1862.
Vol. 12, p. 575.

No. 2422.—AN ACT to extend the territorial limits of the Territory of Nevada.

Certain terri-
tory added to
Nevada.
Boundaries.

Be it enacted, &c., That all that part of the territory of the United States included within the following limits, namely: beginning at the point of intersection of the forty-second degree of north latitude with the thirty-eighth degree of longitude west from Washington; thence running south on the said thirty-eighth degree of west longitude until it intersects the northern boundary line of New Mexico; thence due west to the thirty-ninth degree of longitude west from Washington;

thence with said thirty-ninth degree north to the intersection of said forty-second degree of north latitude; thence east with said forty-second degree of north latitude to the place of beginning, be, and the same is hereby, attached to and made a part of the Territory of Nevada, subject to the limitations, restrictions, and provisions of the act organizing the Territory of Nevada. (a)

(a) See Nos. 2341, 2416, 2417, 2423, 2425, 2428.

No. 2423.—AN ACT to enable the people of Nevada to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States.

March 21, 1864.
Vol. 13, p. 30.

Be it enacted, &c., That the inhabitants of that portion of the Territory of Nevada included in the boundaries hereinafter designated be, and they are hereby, authorized to form for themselves, out of said Territory, a State government, with the name aforesaid, which said State, when formed, shall be admitted into the Union upon an equal footing with the original States, in all respects whatsoever.

Territory of Nevada made a State, &c.

SEC. 2. *And be it further enacted,* That the said State of Nevada shall consist of all the territory included within the following boundaries, to wit: Commencing at a point formed by the intersection of the thirty-eighth degree of longitude west from Washington with the thirty-seventh degree of north latitude; thence due west along said thirty-seventh degree of north latitude to the eastern boundary line of the State of California; thence in a northwesterly direction along the said eastern boundary line of the State of California to the forty-third degree of longitude west from Washington; thence north along said forty-third degree of west longitude and said eastern boundary line of the State of California to the forty-second degree of north latitude; thence due east along the said forty-second degree of north latitude to a point formed by its intersection with the aforesaid thirty-eighth degree of longitude west from Washington; thence due south down said thirty-eighth degree of west longitude to the place of beginning. (a)

Boundaries.

SEC. 4. *And be it further enacted,* * * * Third. That the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the land belonging to the residents thereof; and that no taxes shall be imposed by said State on lands or property therein belonging to, or which may hereafter be purchased by, the United States.

Unappropriated public lands.

Taxes

SEC. 7. *And be it further enacted,* That sections numbers sixteen and thirty-six, in every township, and where such sections have been sold or otherwise disposed of by any act of Congress, other lands equivalent thereto in legal subdivisions of not less than one quarter-section, and as contiguous as may be, shall be, and are hereby, granted to said State for the support of common schools. (b)

School lands.

SEC. 8. *And be it further enacted,* That provided the State of Nevada shall be admitted into the Union, in accordance with the foregoing provisions of this act, that twenty entire sections of the unappropriated public lands within said State, to be selected and located by direction of the legislature thereof, on or before the first day of January, anno Domini eighteen hundred and sixty-eight, shall be, and they are hereby, granted, in legal subdivisions of not less than one hundred and sixty acres, to said State, for the purpose of erecting public buildings at the capital of said State, for legislative and judicial purposes, in such manner as the legislature shall prescribe. (c)

Land for public buildings.

SEC. 9. *And be it further enacted,* That twenty other entire sections of land, as aforesaid, to be selected and located as aforesaid, in legal subdivisions, as aforesaid, shall be, and they are hereby, granted to said State for the purpose of erecting a suitable building for a penitentiary or State prison in the manner aforesaid. (d)

For penitentiary building.

SEC. 10. *And be it further enacted,* That five per centum of the proceeds of the sales of all public lands lying within said State, which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same,

Five per cent. of sales of public lands for roads, &c.

shall be paid to the said State for the purpose of making and improving public roads, constructing ditches or canals, to effect a general system of irrigation of the agricultural land in the State, as the legislature shall direct.

Laws of the United States made applicable.

Judicial district.

SEC. 11. *And be it further enacted*, That from and after the admission of the said State of Nevada into the Union, in pursuance of this act, the laws of the United States, not locally inapplicable, shall have the same force and effect within the said State as elsewhere within the United States, and said State shall constitute one judicial district, and be called the district of Nevada.

- (a) See Nos. 2341, 2416, 2417, 2422, 2425, 2428.
- (b) See Nos. 2417, 2430, 2432, 2439.
- (c) See No. 2432.
- (d) See No. 2432.

July 2, 1864.
Vol. 13, p. 344.

No. 2424.—AN ACT making appropriations, &c.

[Nevada and Idaho to be part of surveying district of Colorado.
See COLORADO, No. 2172.]

Oct. 31, 1864.
Vol. 13, p. 749.

No. 2425.—A PROCLAMATION by the President of the United States of America.

Preamble.

Whereas the Congress of the United States passed an act, which was approved on the 21st day of March last, entitled "An act to enable the people of Nevada to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States;"

And whereas the said constitution and State government have been formed, pursuant to the conditions prescribed by the fifth section of the act of Congress aforesaid, and the certificate required by the said act, and also a copy of the constitution and ordinances, have been submitted to the President of the United States:

Nevada admitted into the Union.

Now, therefore, be it known, that I, Abraham Lincoln, President of the United States, in accordance with the duty imposed upon me by the act of Congress aforesaid, do hereby declare and proclaim that the said State of Nevada is admitted into the Union on an equal footing with the original States. (a)

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this thirty-first day of October, in the year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-ninth.

[L. S.]

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State*.

- (a) See Nos. 2341, 2416, 2417, 2422, 2423, 2428.

Feb. 23, 1865.
Vol. 13, p. 539.

No. 2426.—JOINT RESOLUTION to enable the Secretary of the Treasury to obtain the title to certain property in Carson City and State of Nevada, for the purposes of a branch mint located in said place.

Preamble.

Whereas the Secretary of the Treasury of the United States, in order to carry into effect an act entitled "An act to establish a branch mint of the United States in the Territory of Nevada," approved March third, eighteen hundred and sixty-three, has purchased of Moses Job and Margaret, his wife, and James L. Riddle, the preëmptors and occupants thereof, certain city or town lots in said Carson City, together with all the valuable improvements thereon; and whereas it is highly important for the interest of the Government to obtain, at an early day, the use and possession of said property, to establish and open said branch mint: Therefore,

Title to certain real estate in Carson City to be obtained for a branch mint.

Resolved, &c., That the Secretary of the Treasury be, and he is hereby, authorized to receive and accept from said Moses Job and Margaret, his wife, and James L. Riddle, such relinquishments and conveyances of their right and claim to said lots and property as he, the said Secretary, shall deem sufficient for the extinguishment of any claim, right, or title which the said Moses Job and Margaret, his wife, and James L. Riddle may or can have thereto; and said lots and property shall thereafter be reserved from public sale, preëmption, or homestead settlement, and shall remain the property of the United States.

No. 2427.—AN ACT making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and sixty-six, and additional appropriations for the current fiscal year. March 2, 1865.
Vol. 13, p. 445.

SEC. 3. *And be it further enacted,* That from and after the passage of this act, the public lands in the State of Nevada shall, for surveying purposes, be attached to and included in the surveying district of California. (a) Nevada included in surveying district of California.

(a) See Nos. 2172, 2346, 2348, 2417, 2418, 2419, 2424, 2430.

No. 2428.—AN ACT concerning the boundaries of the State of Nevada.

May 5, 1866.
Vol. 14, p. 43.

Be it enacted, &c., That, as provided for and consented to in the constitution of the State of Nevada, all that territory and tract of land adjoining the present eastern boundary of the State of Nevada, and lying between the thirty-seventh and the forty-second degrees of north latitude and west of the thirty-seventh degree of longitude west of Washington, is hereby added to and made a part of the State of Nevada. Boundaries of Nevada.

SEC. 2. *And be it further enacted,* That there is hereby added to and made a part of the State of Nevada all that extent of territory lying within the following boundaries, to wit: Commencing on the thirty-seventh degree of north latitude, at the thirty-seventh degree of longitude west from Washington; and running thence south on said degree of longitude to the middle of the river Colorado of the West; thence down the middle of said river to the eastern boundary of the State of California; thence northwesterly along said boundary of California to the thirty-seventh degree of north latitude; and thence east along said degree of latitude to the point of beginning: *Provided,* That the territory mentioned in this section shall not become a part of the State of Nevada until said State shall, through its legislature, consent thereto: *And provided further,* That all possessory rights acquired by citizens of the United States to mining claims, discovered, located, and originally recorded in compliance with the rules and regulations adopted by miners in the Pah-Ranagat and other mining districts in the territory incorporated by the provisions of this act into the State of Nevada shall remain as valid subsisting mining claims; but nothing herein contained shall be so construed as granting a title in fee to any mineral lands held by possessory titles in the mining States and Territories. (a) State to give its assent.
Possessory rights to mining claims to remain valid.
Title in fee not granted.

(a) See Nos. 2341, 2416, 2417, 2422, 2423, 2425.

No. 2429.—AN ACT to grant the right of way to the "Humboldt Canal Company" through the public lands of the United States.

June 19, 1866.
Vol. 14, p. 64.

Be it enacted, &c., That the right of way for a canal through the public lands of the United States lying in Humboldt County, State of Nevada, and the use of the land for tow-paths, cuttings, and embankments, to the extent of fifty feet on each side of the center of the canal, shall be, and is hereby, granted to the Humboldt Canal Company: *Provided,* That in cases where deep excavation or heavy embankment is required, such greater width, not exceeding two hundred feet, may be taken by said company as may be necessary. Right of way through public lands granted to Humboldt Canal Company.
Proviso.

SEC. 2. *And be it further enacted,* That, in order to create a reservoir for said company sufficient to feed said canal in all seasons, said company shall be, and is hereby, authorized, by a dam across the Humboldt River, at such point at or near the gap in the Fremont range of mountains through which said river passes, to flow so much of the public lands above said dam as may be required for the purpose of said reservoir. Certain public lands may be flowed to create a reservoir.

SEC. 3. *And be it further enacted,* That there shall be, and is hereby, granted to said company the necessary sites along said canal for waste-gates, mill-sites, depots, and other uses of said canal, so far as places convenient for the same fall upon the public lands, and also the privilege of discharging the waste waters of said canal over any public lands into the said Humboldt River, at such places as may be suitable for that purpose: *Provided,* That the proper officers of said company shall transmit to the Commissioner of the General Land Office a correct plat of the survey and location of said canal, and of the sites needed for mills, depots, waste-gates, and other uses of said canal, before the appropriate. Proviso.
Plan of location, &c., to be sent to General Land Office.

This grant to cease, &c., unless, &c.

tion thereof for said uses shall become operative: *And provided further*, That unless thirty miles of said canal shall be excavated within one year, [and] the whole within three years, from the date hereof, the grants hereby made shall cease and determine: *And provided further*, That if said canal shall at any time after its completion be discontinued or abandoned by said company, the grants hereby made shall cease and determine, and the lands hereby granted shall revert to the United States: *And provided further*, That nothing in this act shall be so construed as to interfere with any grant of the right of way and of public lands heretofore made to any railroad company.

This grant not to interfere with former grants to any railroad company.

July 4, 1886.
Vol. 14, p. 85.

No. 2430.—AN ACT concerning certain lands granted to the State of Nevada.

Appropriation by Nevada of land for educational purposes confirmed.

Lands granted for a university.

For an agricultural college.

Theory and practice of mining may be taught.

Surveyor-general for Nevada.

Location of office.
Pay.
Duties, &c.
Allowances.

Lines of subdivisions may be changed from rectangular.

Mineral lands reserved.

Public lands in the State not to be subject to entry, &c., until the State has her full quota.

Mode of selecting and disposing of lands by the State.

City and town property.

Vested rights not affected.

Be it enacted, &c., That the appropriation by the constitution of the State of Nevada to educational purposes of the five hundred thousand acres of land granted to said State by the law of September fourth, eighteen hundred and forty-one, for purposes of internal improvement, is hereby approved and confirmed. (a)

SEC. 2. *And be it further enacted*, That land equal in amount to seventy-two entire sections, for the establishment and maintenance of a university in said State, is hereby granted to the State of Nevada. (b)

SEC. 3. *And be it further enacted*, That the grant made by law of the second day of July, eighteen hundred and sixty-two, to each State, of land equal to thirty thousand acres for each of its Senators and Representatives in Congress, is extended to the State of Nevada; and the division of the proceeds of these lands in Nevada from the teaching of agriculture and mechanic arts to that of the theory and practice of mining is allowed and authorized without causing a forfeiture of said grant. (c)

SEC. 4. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a surveyor-general for Nevada, who shall locate his office at such place as the Secretary of the Interior shall from time to time direct, whose compensation shall be three thousand dollars per annum, and whose duties, powers, obligations, responsibilities, and allowances for clerk hire, office rent, fuel and incidental expenses shall be the same as those of the surveyor-general of Oregon, under the direction of the Secretary of the Interior, and such instructions as he may from time to time deem it advisable to give him.

SEC. 5. *And be it further enacted*, That in extending the surveys of the public lands in the State of Nevada, the Secretary of the Interior may, in his discretion, vary the lines of the subdivisions from a rectangular form, to suit the circumstances of the country; but in all cases lands valuable for mines of gold, silver, quicksilver, or copper shall be reserved from sale. (d)

SEC. 6. *And be it further enacted*, That until the State of Nevada shall have received her full quota of lands named in the first, second, and third sections of this act, the public lands in that State shall not be subject to entry, sale, or location under any law of the United States, or any scrip or warrants issued in pursuance of any such law except the homestead act of May twentieth, eighteen hundred and sixty-two, and acts amendatory thereto, and the acts granting and regulating pre-emptions, but shall be reserved exclusively for entry by the said State for the period of two years after such survey shall have been made: (e) *Provided*, That said State shall select said lands in her own name and right, in tracts of not less than forty acres, and dispose of the same in tracts not exceeding three hundred and twenty acres, only to actual settlers and bona-fide occupants: *And provided further*, That city and town property shall not be subject to selection under this act: *And provided further*, That this section shall not be construed to interfere with or impair rights heretofore acquired under any law of Congress.

(a) See Nos. 2417, 2423, 2432, 2439.

(b) See No. 2432.

(c) See Nos. 2432, 2436.

(d) See Nos. 2172, 2345, 2348, 2417, 2418, 2419, 2424, 2427.

(e) See Nos. 2305, 2433.

No. 2431.—AN ACT granting to A. Sutro the right of way, and granting other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada.

July 25, 1866.
Vol. 14, p. 242.

Be it enacted, &c., That, for the purpose of the construction of a deep draining and exploring tunnel to and beyond the "Comstock lode," so called, in the State of Nevada, the right of way is hereby granted to A. Sutro, his heirs and assigns, to run, construct, and excavate a mining, draining, and exploring tunnel; also to sink mining, working, or air shafts along the line or course of said tunnel, and connecting with the same at any point which may hereafter be selected by the grantee herein, his heirs or assigns. The said tunnel shall be at least eight feet high and eight feet wide, and shall commence at some point to be selected by the grantee herein, his heirs or assigns, at the hills near Carson River, and within the boundaries of Lyon County, and extending from said initial point in a westerly direction seven miles, more or less, to and beyond said Comstock lode; and the said right of way shall extend northerly and southerly on the course of said lode, either within the same, or east or west of the same; and also on or along any other lode which may be discovered or developed by the said tunnel.

Right of way granted to A. Sutro, &c., to construct a mining, &c., tunnel, &c.

Dimensions of tunnel, where to commence, &c.

Right of way to extend northerly and southerly, &c.

SEC. 2. *And be it further enacted,* That the right is hereby granted to the said A. Sutro, his heirs and assigns, to purchase, at one dollar and twenty-five cents per acre, a sufficient amount of public land near the mouth of said tunnel for the use of the same, not exceeding two sections, and such land shall not be mineral land or in the bona-fide possession of other persons who claim under any law of Congress at the time of the passage of this act, and all minerals existing or which shall be discovered therein are excepted from this grant; that upon filing a plat of said land the Secretary of the Interior shall withdraw the same from sale, and upon payment for the same a patent shall issue. And the said A. Sutro, his heirs and assigns, are hereby granted the right to purchase, at five dollars per acre, such mineral veins and lodes within two thousand feet on each side of said tunnel as shall be cnt, discovered, or developed by running and constructing the same, through its entire extent, with all the dips, spurs, and angles of such lodes, subject, however, to the provisions of this act, and to such legislation as Congress may hereafter provide: *Provided,* That the Comstock lode, with its dips, spurs, and angles, is excepted from this grant, and all other lodes, with their dips, spurs, and angles, located within the said two thousand feet, and which are or may be, at the passage of this act, in the actual bona-fide possession of other persons, are hereby excepted from such grant. And the lodes herein excepted, other than the Comstock lode, shall be withheld from sale by the United States; and if such lodes shall be abandoned or not worked, possessed, and held in conformity to existing mining rules, or such regulations as have been or may be prescribed by the legislature of Nevada, they shall become subject to such right of purchase by the grantee herein, his heirs or assigns.

A. Sutro may purchase not over two sections of public land at mouth of tunnel, for use thereof.

Not to be mineral lands, &c.

Upon filing plat, land to be withdrawn from sale.

Patent to issue. Certain mineral veins and lodes may be purchased.

Comstock lode, &c., and certain other lodes excepted from this act.

Lodes to be withheld from sale.

SEC. 3. *And be it further enacted,* That all persons, companies, or corporations owning claims or mines on said Comstock lode or any other lode drained, benefited, or developed by said tunnel, shall hold their claims subject to the condition, (which shall be expressed in any grant they may hereafter obtain from the United States,) that they shall contribute and pay to the owners of said tunnel the same rate of charges for drainage or other benefits derived from said tunnel or its branches, as have been, or may hereafter be, named in agreement between such owners and the companies representing a majority of the estimated value of said Comstock lode at the time of the passage of this act. (a)

Owners of claims or mines on Comstock or other lode, benefited by the tunnel, to hold claims subject, &c.

(a) See No. 2434.

No. 2432.—AN ACT to further provide for giving effect to the various grants of public lands to the State of Nevada.

June 8, 1868.
Vol. 15, p. 67.

Be it enacted, &c., That the State of Nevada is authorized to select the alternate even-numbered sections within the limits of any railroad grant in said State, in satisfaction, in whole or in part, of the several grants made in the following acts of Congress, to wit: the act organizing the Territory of Nevada, passed March second, eighteen hundred and sixty-one; the act admitting the State of Nevada into the Union, passed March twenty-one, eighteen hundred and sixty-four; and the act concerning certain lands granted to Nevada, passed July fourth, eighteen

Selection of lands by Nevada within railroad grants by Congress.

Pre-emption hundred and sixty-six: *Provided*, That this privilege shall not extend to lands upon which there may be rightful claims under the pre-emption and homestead laws: *And provided*, That if lands be selected, the

Land taken at minimum price of \$2.50 per acre to equal two acres at \$1.25 per acre. Certain selections when to be made.

SEC. 2. *And be it further enacted*, That the lands known and designated for the establishment of an agricultural college by the act of July second, eighteen hundred and sixty-two, and the acts amendatory thereto, shall be selected in the same manner and of the same character of lands as may be selected in satisfaction of any other grants referred to in the first section of this act. But this act shall not authorize the selection of lands valuable for mines of gold, silver, quicksilver, or copper. (b)

SEC. 3. *And be it further enacted*, That the county of Esmeralda, in the State of Nevada, and the counties of Mono and Inyo, in the State of California, are hereby created a land district; and the land office for such district shall be located at Aurora, in Esmeralda County; and the President shall be authorized hereafter, from time to time, as circumstances may require, to adjust the boundaries of any and all of the land districts in said State, and change the location of the land office from time to time, when the same shall be expedient. (c)

Land district created.

Location of office.

Boundaries and locations of land office may be changed.

(a) See Nos. 2417, 2423, 2430, 2439.

(b) See Nos. 2430, 2436.

(c) See Nos. 2421, 2435.

Feb. 24, 1871.
Vol. 16, p. 430.

No. 2433.—AN ACT to provide for the disposition of useless military reservations.

[Military reservation at Camp McGarry to be sold. See WASHINGTON TERRITORY, No. 2305.]

April 4, 1871.
Vol. 17, p. 3.

No. 2434.—AN ACT authorizing the President to appoint commissioners to examine and report upon the Sutro tunnel in the State of Nevada.

Commissioners to examine and report upon the Sutro tunnel in Nevada.

Report of commissioners to state what.

(a) See No. 2431.

March 12, 1872.
Vol. 17, p. 38.

No. 2435.—AN ACT to create an additional land district in the State of Nevada.

Elko land district established in Nevada.
Boundaries.

Location of office.

Be it enacted, &c., That all that portion of the State of Nevada, embraced in the following-described limits, to wit, commencing at the corner common to townships twenty-four and twenty-five north, range forty-four and forty-five east, Mount Diablo base and meridian; thence running due east to the eastern boundary line of the State of Nevada; thence north on said eastern boundary of said State to the north boundary of said State; thence west on said north boundary of said State to the eastern boundary of the Carson land district; thence south along said eastern boundary of the Carson land district to the place of beginning, shall constitute a separate land district, to be called the Elko land district, the office of which shall be located at Elko, in Elko County, State of Nevada; which location may be changed by the President of the United States from time to time as the public interest may require.

SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate, or in the recess of the Senate, a register and a receiver of public moneys for said district, and said officers shall reside in the place where said land office is located, and shall have the same powers and receive the same emoluments as the same officers now receive in the other land districts in said State. (a)

(a) See Nos. 2421, 2432.

No. 2436.—AN ACT to continue in force a grant to the State of Nevada for college purposes. March 16, 1872.
Vol. 17, p. 40.

Be it enacted, &c., That the grant made to the State of Nevada under section three of the act of July fourth, eighteen hundred and sixty-six, entitled "An act concerning certain lands granted to the State of Nevada," shall not cease by reason of the failure of the said State to provide at least one college, as required by the several acts of Congress as a condition of said grant, but the same shall continue in full force: *Provided,* That all the conditions of law be complied with prior to the tenth of May, eighteen hundred and seventy-seven. (a)

(a) See Nos. 2430, 2432.

No. 2437.—AN ACT to grant the right of way through the public lands to the Eastern Nevada Railroad Company. June 10, 1872.
Vol. 17, p. 393.

Be it enacted, &c., That for the purpose of aiding the Eastern Nevada Railroad Company, the same being a corporation organized under the laws of the State of Nevada, to construct and operate a railroad from the town of Elko to the town of Hamilton City, all in Nevada, the right of way through the public lands be, and the same is, hereby granted to said Eastern Nevada Railroad Company, its successors and assigns, for the construction of a railroad as proposed; and the right is hereby given to said corporation to take from the public lands adjacent to the line of said road material for the construction thereof. Said way is granted to said railroad to the extent of one hundred feet in width on each side of said road where it may pass through the public domain; also, all necessary ground for station-buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations, not to exceed twenty acres, not mineral lands, for each ten miles of the entire length of said road: *Provided,* That the right herein granted shall not preclude the construction of other roads through any cañon, defile, or pass.

SEC. 2. That the acceptance of this act by the said Eastern Nevada Railroad Company shall be signified in writing, under the corporate seal of said company, duly executed pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within one year after the passage of this act, and not afterward, and shall be deposited with the Secretary of the Interior; and within the same period the said company shall also file with said Secretary of the Interior a map of the definite location of the entire line of the road, and the said Secretary shall thereupon take the requisite steps, by withdrawal or otherwise, to protect said right of way: *Provided, however,* That the entire line of said road, in manner in accordance with its charter, shall be fully completed within two years from date of approval of this act, or in default thereof, the right of way hereby granted shall be forfeited and revert to the United States. (a)

(a) See Nos. 2092, 2275, 2420, 2438.

No. 2438.—AN ACT granting the right of way and depot grounds to the Oregon Central Pacific Railway Company through the public lands of the United States, from Winnemucca, in the State of Nevada, to the Columbia River, via Portland, in the State of Oregon. Feb. 5, 1875.
Vol. 18, p. 306.

[See OREGON, No. 2275.]

No. 2439.—AN ACT to grant the State of Nevada lands in lieu of the sixteenth and thirty-sixth sections in said State. June 16, 1880.
Vol. 21, p. 287.

Whereas, the legislature of the State of Nevada on March eighth, eighteen hundred and seventy-nine, passed an act accepting from the United States a grant of two millions or more acres of land in lieu of the sixteenth and thirty-sixth sections therein, and relinquishing to

Preamble.

the United States all such sixteenth and thirty-sixth sections in said State as have not been heretofore sold or disposed of by said State, and which act of said State is in words as follows, to wit:

"An act accepting from the United States a grant of two millions or more acres of land in lieu of the sixteenth and thirty-sixth sections, and relinquishing to the United States all such sixteenth and thirty-sixth sections as have not been sold or disposed of by the State.

"The people of the State of Nevada represented in senate and assembly do enact as follows:

Act of State
Legislature.

SECTION 1. The State of Nevada hereby accepts from the United States not less than two millions of acres of land in the State of Nevada in lieu of the sixteenth and thirty-sixth sections heretofore granted to the State of Nevada by the United States: *Provided*, That the title of the State and its grantees to such sixteenth and thirty-sixth sections as may have been sold or disposed of by the State prior to the enactment of any such law of Congress granting such two millions or more acres of land to the State shall not be changed or vitiated in consequence of or by virtue of such act of Congress granting such two millions or more acres of land, or in consequence of or by virtue of this act surrendering and relinquishing to the United States the sixteenth and thirty-sixth sections unsold or undisposed of at the time such grant is made by the United States.

"SEC. 2. The State of Nevada, in consideration of such grant of two millions or more acres of land by the United States, hereby relinquishes and surrenders to the United States all its claim and title to such sixteenth and thirty-sixth sections in the State of Nevada heretofore granted by the United States as shall not have been sold or disposed of subsequent to the passage of any act of Congress that may hereafter be made granting such two millions or more acres of land to the State of Nevada: *Provided*, That the State of Nevada shall have the right to select the two millions or more acres of land mentioned in the act":
Therefore,

Two million
acres granted to
State in lieu of
16th and 36th sec-
tions.

Be it enacted, &c., That there be, and are hereby, granted to the State of Nevada two million acres of land in said State in lieu of the sixteenth and thirty-sixth sections of land heretofore granted to the State of Nevada by the United States: *Provided*, That the title of the State and its grantees to such sixteenth and thirty-sixth sections as may have been sold or disposed of by said State prior to the passage of this act shall not be changed or vitiated in consequence of or by virtue of this act.

How to be se-
lected.

SEC. 2. The lands herein granted shall be selected by the State authorities of said State from any unappropriated, non-mineral, public land in said State, in quantities not less than the smallest legal subdivision; and when selected in conformity with the terms of this act the same shall be duly certified to said State by the Commissioner of the General Land Office and approved by the Secretary of the Interior.

Disposal.

SEC. 3. The lands herein granted shall be disposed of under such laws, rules, and regulations as may be prescribed by the legislature of the State of Nevada: *Provided*, That the proceeds of the sale thereof shall be dedicated to the same purposes as heretofore provided in the grant of the sixteenth and thirty-sixth sections made to said State. (a)

Proviso.

SEC. 4. This act shall take effect from and after its passage.

(a) See Nos. 2417, 2423, 2430, 2432.

T E N N E S S E E .

No. 2440.—AN ACT to accept a cession of the claims of the State of North Carolina to a certain district of western territory.

April 2, 1790.
Vol. 1, p. 106.

A deed of cession having been executed, and in the Senate offered for acceptance to the United States, of the claims of the State of North Carolina, to a district of territory therein described; which deed is in the words following, viz:

Recital of the deed of cession, by the Senators of North Carolina, to the United States.

To all who shall see these presents

We the underwritten Samuel Johnston and Benjamin Hawkins, Senators in the Congress of the United States of America, duly and constitutionally chosen by the legislature of the State of North Carolina, send greeting.

Whereas the general assembly of the State of North Carolina, on the day of December, in the year of our Lord one thousand seven hundred and eighty-nine, passed an act, entitled "An act for the purpose of ceding to the United States of America, certain western lands therein described," in the words following, to wit:

Whereas the United States in Congress assembled, have repeatedly and earnestly recommended to the respective States in the Union, claiming or owning vacant western territory, to make cessions of part of the same, as a further means, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States; and the inhabitants of the said western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received: now this State, being ever desirous of doing ample justice to the public creditors, as well as the establishing the harmony of the United States, and complying with the reasonable desires of her citizens; *Be it enacted by the general assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Senators of this State, in the Congress of the United States, or one of the Senators and any two of the Representatives of this State in the Congress of the United States, are hereby authorized, empowered and required to execute a deed or deeds on the part and behalf of this State, conveying to the United States of America, all right, title and claim which this State has to the sovereignty and territory of the lands situated within the chartered limits of this State, west of a line beginning on the extreme height of the Stone Mountain, west of a line where the Virginia line intersects it; running thence along the extreme height of the said mountain, to the place where Watango River breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said mountain, between the waters of Doe River and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain, to where Nolichucky River runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of the said mountain, to the Painted Rock, on French Broad River; thence along the highest ridge of the said mountain, to the place where it is called the Great Iron or Smoaky Mountain; thence along the extreme height of the said mountain, to the place where it is called Unicoy or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain, to the southern boundary of this State, upon the following express conditions, and subject thereto—that is to say: *First,* That neither the lands nor inhabitants westward of the said mountain shall be estimated after the cession made by virtue of this act shall be accepted, in the ascertaining the proportion of this State with the United States, in the common expense occasioned by the late war. *Secondly,* That the lands laid off, or directed to be laid off by any act or acts of the general assembly of this State, for the officers and soldiers thereof, their heirs and assigns respectively, shall be and enure to the use and benefit of the said officers, their heirs and assigns respectively;

Of the act of the legislature of that State, by which the execution of the said deed is authorized.

Boundaries and conditions of the cession.

Boundaries and conditions of the cession.

and if the bounds of the said lands already prescribed for the officers and soldiers of the continental line of this State, shall not contain a sufficient quantity of lands fit for cultivation, to make good the several provisions intended by law, that such officer or soldier, or his assignee, who shall fall short of his allotment or proportion, after all the lands fit for cultivation within the said bounds are appropriated, be permitted to take his quota, or such part thereof as may be deficient, in any other part of the said territory intended to be ceded by virtue of this act, not already appropriated. And where entries have been made agreeable to law, and titles under them not perfected by grant or otherwise, then, and in that case, the governor for the time being shall, and he is hereby required to perfect, from time to time, such titles, in such manner as if this act had never been passed. And that all entries made by, or grants made to all and every person or persons whatsoever, agreeable to law, and within the limits hereby intended to be ceded to the United States, shall have the same force and effect as if such cession had not been made; and that all and every right of occupancy and pre-emption, and every other right reserved by any act or acts to persons settled on, and occupying lands within the limits of the lands hereby intended to be ceded as aforesaid, shall continue to be in full force, in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States. And further, it shall be understood, that if any person or persons shall have, by virtue of the act, entitled "An act for opening the land office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three, made his or their entry in the office usually called John Armstrong's office, and located the same to any spot or piece of ground, on which any other person or persons shall have previously located any entry or entries, that then, and in that case, the person or persons having made such entry or entries, or their assignee or assignees, shall have leave, and be at full liberty to remove the location of such entry or entries, to any lands on which no entry has been specially located, or on any vacant lands included within the limits of the lands hereby intended to be ceded: *Provided*, That nothing herein contained shall extend or be construed to extend to the making good any entry or entries, or any grant or grants heretofore declared void, by any act or acts of the general assembly of this State. *Thirdly*, That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever. *Fourthly*, That the territory so ceded, shall be laid out and formed into a State or States, containing a suitable extent of territory, the inhabitants of which shall enjoy all the privileges, benefits and advantages set forth in the ordinance of the late Congress, for the government of the western territory of the United States, that is to say; whenever the Congress of the United States shall cause to be officially transmitted to the executive authority of this State, an authenticated copy of the act to be passed by the Congress of the United States, accepting the cession of territory made by virtue of this act, under the express conditions hereby specified; the said Congress shall at the same time assume the government of the said ceded territory, which they shall execute in a manner similar to that which they support in the territory west of the Ohio; shall protect the inhabitants against enemies, and shall never bar or deprive them of any privileges which the people in the territory west of the Ohio enjoy: *Provided always*, That no regulations made or to be made by Congress, shall tend to emancipate slaves. *Fifthly*, That the inhabitants of the said ceded territory shall be liable to pay such sums of money, as may, from taking their census, be their just proportion of the debt of the United States, and the arrears of the requisitions of Congress on this State. *Sixthly*, That all persons indebted to this State, residing in the territory intended to be ceded by virtue of this act, shall be held and deemed liable to pay such debt or debts in the same manner, and under the same penalty or penalties as if this act had never been passed. *Seventhly*, That if the Congress of the United States do not accept the cession hereby intended to be made, in due form, and give official notice thereof to the executive of this State, within eighteen months from the

passing of this act, then this act shall be of no force or effect whatsoever. *Eighthly*, That the laws in force and use in the State of North Carolina, at the time of passing this act, shall be, and continue in full force within the territory hereby ceded, until the same shall be repealed, or otherwise altered by the legislative authority of the said territory. *Ninthly*, That the lands of non-resident proprietors within the said ceded territory, shall not be taxed higher than the lands of residents. *Tenthly*, That this act shall not prevent the people now residing south of French Broad, between the rivers Tennessee and Big Pigeon, from entering their pre-emptions in that tract, should an office be opened for that purpose, under an act of the present general assembly. *And be it further enacted by the authority aforesaid*, That the sovereignty and jurisdiction of this State, in and over the territory aforesaid, and all and every the inhabitants thereof, shall be and remain the same in all respects, until the Congress of the United States shall accept the cession to be made by virtue of this act, as if this act had never passed.

Boundaries and conditions of the cession.

Read three times, and ratified in general assembly, the day of
December, A. D. 1789.

CHAS. JOHNSON, *Sp. Sen.*,
S. CABARRUS, *Sp. H. C.*"

Now therefore know ye, That we, Samuel Johnston and Benjamin Hawkins, Senators aforesaid, by virtue of the power and authority committed to us by the said act, and in the name, and for and on behalf of the said State, do, by these presents, convey, assign, transfer, and set over unto the United States of America, for the benefit of the said States, North Carolina inclusive, all right, title, and claim which the said State hath to the sovereignty and territory of the lands situated within the chartered limits of the said State, as bounded and described in the above-recited act of the general assembly, to and for the uses and purposes, and on the conditions mentioned in the said act.

In witness whereof, we have hereunto subscribed our names, and affixed our seals, in the Senate chamber, at New York, this twenty-fifth day of February, in the year of our Lord, one thousand seven hundred and ninety, and in the fourteenth year of the Independence of the United States of America.

SAM. JOHNSTON. [L. S.]
BENJAMIN HAWKINS. [L. S.]

Signed, sealed, and delivered in the presence of—
SAM. A. OTIS.

Be it enacted, &c., That the said deed be, and the same is hereby Accepted.
accepted.

No. 2441.—AN ACT for the government of the territory of the United States, south of the river Ohio. May 26, 1790.
Vol. 1, p. 123.

SECTION 1. *Be it enacted, &c.*, That the territory of the United States south of the river Ohio, for the purposes of temporary government, shall be one district; the inhabitants of which shall enjoy all the privileges, benefits and advantages set forth in the ordinance of the late Congress, for the government of the territory of the United States northwest of the river Ohio. And the government of the said territory south of the Ohio, shall be similar to that which is now exercised in the territory northwest of the Ohio; except so far as is otherwise provided in the conditions expressed in an act of Congress of the present session, entitled "An act to accept a cession of the claims of the State of North Carolina, to a certain district of western territory." (a)

Territory south of the Ohio, to be one district; its privileges and government.

Exceptions.

SEC. 2. *And be it further enacted*, That the salaries of the officers, which the President of the United States shall nominate, and with the advice and consent of the Senate appoint, by virtue of this act, shall be the same as those, by law established, of similar officers in the government northwest of the river Ohio. And the powers, duties and emoluments of a superintendent of Indian affairs for the southern department, shall be united with those of the governor.

Salaries of the officers therein.

(a) See No. 2440.

April 18, 1806.
Vol. 2, p. 381.

A line established for defining the limits of the vacant lands of the United States in Tennessee.
see.
Courses thereof.

Upon relinquishment of the claim of Tennessee to certain lands.

The United States to cede to that State certain other lands.

Certain entries, &c., to be located within the territory ceded to the State of Tennessee.
see.

Lands to be appropriated by the State of Tennessee.

No. 2442.—AN ACT to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same.

Be it enacted, &c., That for the purpose of defining the limits of the vacant and unappropriated lands in the State of Tennessee, hereafter to be subject to the sole and entire disposition of the United States, the following line be, and hereby is established, to wit: Beginning at the place where the eastern or main branch of Elk River shall intersect the southern boundary line of the State of Tennessee; from thence running due north, until said line shall intersect the northern or main branch of Duck River; thence down the waters of Duck River, to the military boundary line, as established by the seventh section of an act of the State of North Carolina, intitled "An act for the relief of the officers and soldiers of the continental line, and for other purposes;" (passed in the year one thousand seven hundred and eighty-three) thence with the military boundary line, west to the place where it intersects the Tennessee River; thence down the waters of the river Tennessee, to the place where the same intersects the northern boundary line of the State of Tennessee.

SEC. 2. *And be it further enacted,* That upon the senators and representatives from the State of Tennessee, by an instrument signed and sealed by them respectively, making known, that in pursuance of the power in them vested, by an act of the general assembly of the State of Tennessee, intitled "An act to appoint agents to settle the dispute between this State and the United States, relative to the vacant and unappropriated lands within this State, and to procure the relinquishment of the claim of the United States to the same," and by a resolution of the senate and house of representatives of the said State of Tennessee, passed in the year one thousand eight hundred and two, as instructions therein; they do, for, and in behalf of the State of Tennessee, and in consideration of the provisions made in this act, agree and declare, that all right, title, and claim, which the State of Tennessee hath to the lands lying west and south of the line, herein before established within the limits of the State of Tennessee, shall thereafter forever cease; and that the lands aforesaid shall be and remain at the sole and entire disposition of the United States, and shall be exempted from every disposition or tax made by order, or under the authority of the State of Tennessee, while the same shall remain the property of the United States, and for the term of five years after the same shall be sold; which said instrument shall be approved by the Senate of the United States, and entered at large in their journal, and deposited in the office of the Secretary of State. The United States do thereupon cede and convey to the State of Tennessee, all right, title and claim, which the United States have to the territory of the lands lying east and north of the line herein before established, within the limits of the State of Tennessee, subject to the same conditions as are contained in the act of the general assembly of the State of North Carolina, intitled "An act for the purpose of ceding to the United States of America, certain western lands therein described." And the said State of Tennessee shall thereupon have as full power and authority to issue grants and perfect titles of all lands lying east and north of the before-described line, within the limits of the said State, as Congress now have, or the State of Tennessee might have, by virtue of an act of the State of North Carolina, intitled "An act to authorize the State of Tennessee to perfect titles to lands reserved to this State by the cession act," to which said act the assent of Congress is hereby given, so far as is necessary to carry into effect the objects of this compact; subject nevertheless to the following express conditions: that is to say,

First. That all entries of lands, rights of location, and warrants of surveys, and all interfering locations, which might be removed by the aforesaid act of cession of the State of North Carolina, and which are good and valid in law, and which were not actually located west and south of the herein before described line, before the twenty-fifth day of February, one thousand seven hundred and ninety, and all interfering grants which are good and valid in law, and which have been located east and north of the said line, shall be located, and the titles thereto perfected, within the territory hereby ceded to the State of Tennessee.

Secondly. That the State of Tennessee shall appropriate one hundred thousand acres, which shall be located in one entire tract, within the limits of the lands reserved to the Cherokee Indians, by an act of

the State of North Carolina, intituled "An act for opening the land-office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three; and shall be for the use of two colleges, one in East, and one in West Tennessee, to be established by the legislature thereof. And one hundred thousand acres in one tract within the limits last aforesaid, for the use of academies; one in each county in said State to be established by the legislature thereof; which said several tracts, shall be located on lands to which the Indian title has been extinguished, and subject to the disposition of the legislature of the State, but shall not be granted or sold for less than two dollars per acre, and the proceeds of the sales of the lands aforesaid, shall be vested in funds for the respective uses aforesaid, for ever. And the State of Tennessee shall moreover, in issuing grants and perfecting titles, locate six hundred and forty acres to every six miles square in the territory hereby ceded, where existing claims will allow the same, which shall be appropriated for the use of schools for the instruction of children for ever: *Provided*, that nothing contained in this act shall be construed to affect the Indian title, or to subject the United States to the expense of extinguishing the same. *And provided also*, That the lowest price of all lands granted or sold within the ceded territory, shall be the same, as shall be established by Congress for the lands of the United States: *And provided nevertheless*, that the people residing in said State, south of French Broad and Holston, and west of Big Pigeon Rivers, provided for by the constitution of the State of Tennessee, shall be secured in their respective rights of occupancy and pre-emption, and shall receive titles for such quantities as they may respectively claim, including their improvements, not exceeding six hundred and forty acres each, nor exceeding the quantities they have heretofore claimed respectively, according to their conditional lines, where such have been established, at a price not less than one dollar per acre. *And provided further*, That nothing herein contained shall be construed to enable any person or persons, until authorized by the legislature of the State of Tennessee, to locate any warrant issued under the authority of the State of North Carolina, within the limits of the lands reserved to the Cherokee Indians, by the fifth section of the act of said State, intituled "An act for opening the land office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three.

Nothing in this act to affect the Indian title. Prices of the land. *Proviso.*

Proviso, that this act shall not affect titles under the laws of North Carolina and Tennessee.

SEC. 3. *And be it further enacted*, That if the territory herein before ceded to the State of Tennessee, shall not contain a sufficient quantity of land fit for cultivation, according to the true intent and meaning of the original act of cession, including the lands within the limits reserved by the State of North Carolina, to the Cherokee Indians, to perfect all existing legal claims charged thereon by the conditions contained in this act of cession, Congress will hereafter provide by law for perfecting such as cannot be located in the territory aforesaid, out of the lands lying west or south of the before described line. (a)

If the territory hereby ceded to the State of Tennessee falls short, the deficiency to be made up elsewhere.

See Nos. 2444, 2447, 2448.

No. 2443.—AN ACT providing for the sale of a tract of land lying in the State of Tennessee, and a tract in the Indiana Territory.

Feb. 25, 1811. Vol. 6, p. 98.

Be it enacted, &c., That the commissioners appointed by an act of the legislature of the State of Tennessee, passed on the fourteenth day of November, one thousand eight hundred and nine, to fix on a site for the town of Pulaski, in the county of Giles, and State aforesaid, and their successors in office, be, and they are hereby authorized, on producing a receipt from the receiver of public moneys, for at least one-twentieth part of the purchase money, to enter with the register of the land office, established for the lands ceded to the United States by the Cherokee and Chickasaw Indians, in the Mississippi Territory, a tract of land lying in a regular square, and containing six hundred and forty acres, which has or may be fixed on as a site for the town of Pulaski, as aforesaid, at the same price and on the same terms and conditions of payment as are provided with respect to the other public lands sold at private sale at the said office; and on completing the payment of the purchase money, a patent shall be granted therefor to the said commissioners and their successors in office, in trust, for the use of the said county of Giles, for the purpose aforesaid.

Site of town of Pulaski to be entered with register of land office and sold.

Conditions.

April 4, 1818.
Vol. 3, p. 416.

The State of Tennessee may issue grants, &c., on all entries, &c., made, pursuant to the laws of North Carolina, before the 25th February, 1790, which were valid, and lie west and south of the line described, &c.

And to issue grants, on warrants of survey, &c., which might be removed by the cession act, &c.

And all interfering grants, &c., under the same rules, &c.

Previous to issuing a grant, &c., the warrant, &c., must be laid before the commissioner of land claims for West Tennessee, &c.

The warrant, &c., being declared valid, the land to be laid off by the surveyor, &c.

Grant to be executed by the governor, &c.
Provido.

Persons who have had grants from North Carolina since December 23, 1811, for lands in Tennessee, on surrendering them to be canceled, may obtain grants from Tennessee.

No. 2444.—AN ACT supplementary to the act, entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated land within the same," passed the eighteenth of April, one thousand eight hundred and six.

Be it enacted, &c., That it shall be lawful for the State of Tennessee to issue grants and perfect titles on all special entries and locations of lands in the said State, made pursuant to the laws of North Carolina, before the twenty-fifth day of February, in the year one thousand seven hundred and ninety, which were good and valid in law, and recognized by the act of the said State of North Carolina, commonly called the cession act, passed the day of December, one thousand seven hundred and eighty-nine, and which lie west and south of the line described in the act to which this is supplementary; and also to issue grants and perfect titles on all warrants of survey, interfering entries and locations, which might be removed by the cession act of North Carolina aforesaid, and which are good and valid in law, and which have not been actually located or granted, east and north of the aforesaid line; and all interfering grants which are good and valid in law, or the warrants or certificates legally issued, in consequence of such interference, on land lying south and west of the said line, in the manner and under the same or similar rules, regulations, and restrictions, as are prescribed by the laws now in force in the said State of Tennessee, for issuing grants and perfecting titles on claims of a like nature for lands lying north and east of the said line.

SEC. 2. *And be it further enacted,* That previous to issuing a grant or perfecting a title on any of the claims herein before described, the warrant, or other legal evidence of such claim, shall be laid before the commissioner of land claims for West Tennessee, for the time being, appointed by the authority of the said State, and approved by him as valid upon sufficient legal evidence being adduced of such validity, according to the rules and regulations prescribed by the laws of the said State now in force, for deciding on warrants and other land claims of the like nature, authorized to be perfected into grants, north and west of the aforesaid line; and upon such warrant or other legal evidence, of any of the claims aforesaid, being declared valid by said commissioner, it shall be lawful for the surveyor of the proper district, or county, to lay off and survey the same, in the manner prescribed by the laws of the said State in similar cases, and return such survey to the register of the land office of West Tennessee, who shall thereupon be authorized to make out a grant thereon, to be executed by the governor, and countersigned by the secretary of the said State, in the manner provided by the laws of the same: *Provided,* That no surveys shall be made, grants issued, or titles perfected by virtue of this act, for any land to which the Indian claim has not been previously extinguished.

SEC. 3. *And be it further enacted,* That those persons who have had surveys made, and obtained grants from the State of North Carolina, since the twenty-third day of December, in the year of our Lord one thousand eight hundred and eleven, for lands lying within the State of Tennessee, shall, upon surrendering such grants to the said commissioner of land claims for West Tennessee, for the time being, to be cancelled and vacated, be allowed to produce the entries, warrants, or other evidences of claims, upon which such grants were founded; and if the said claims shall be deemed good and valid by the said commissioner, then it shall be lawful for the State of Tennessee to issue grants and perfect titles on such claims in the same manner as if no such grants had been issued by the State of North Carolina. (a)

(a) See Nos. 2442, 2447, 2448.

March 3, 1839.
Vol. 6, p. 779.

Tennessee authorized to issue grants, &c., of vacant land in the western district.

Provido.

No. 2445.—AN ACT for the relief of certain settlers, living on what is called the Salt Lick reservation, in the western district of Tennessee.

Be it enacted, &c., That the State of Tennessee be, and she is hereby, authorized to issue grants, and perfect titles, to the vacant and unappropriated land in the western district of Tennessee, which lies within a tract of land of four miles square upon both sides of Sandy River, commonly called the Salt Lick reservation, and which is described in the fourth article of the treaty of Old Town, concluded on the nineteenth day of October, eighteen hundred and eighteen, between the United States and the Chickasaw nation of Indians: *Provided, nevertheless,* That in issuing said grants, and perfecting said titles, the same shall be done in conformity to those rules, regulations, and re-

strictions which were heretofore prescribed by the Tennessee legislature, for locating, entering, and satisfying land warrants, and extinguishing the North Carolina claims in said western district: *And provided, also*, That all those persons, their heirs, or legal representatives, who were seated down and in the actual possession and cultivation of any piece or parcel of land within said reservation, at or before eighteen hundred and thirty, shall be entitled to all the rights and benefits in entering and obtaining grants for their respective parcels of land, which have been extended from time to time by the laws of Tennessee to occupant settlers in the other parts of said district, without the limits of the reservation aforesaid: *And provided, furthermore*, That in procuring warrants, locating and entering said occupant claims, making their divisional lines, ascertaining their respective quantities, and settling their boundaries, they shall be governed by the laws of Tennessee, in relation to other occupant claims in said district, in all respects whatever. (a)

Proviso.

Proviso.

(a) See No. 2446.

No. 2446.—AN ACT for the relief of certain settlers on the Salt Lick reservation in the western district of Tennessee.

July 20, 1840.
Vol. 6, p. 608.

Be it enacted, &c., That the provisions of an act of Congress entitled "An act for the relief of certain settlers living on what is called the Salt Lick reservation in the western district of Tennessee," approved on the third day of March, eighteen hundred and thirty-nine, be, and the same are hereby, extended to the first day of June, eighteen hundred and thirty-nine. (a)

Act of March 3, 1839, extended.

(a) See No. 2445.

No. 2447.—AN ACT to amend an act entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," passed the eighteenth day of April, one thousand eight hundred and six.

Feb. 18, 1841.
Vol. 5, p. 412.

Be it enacted, &c., That the State of Tennessee be, and hereby is, constituted the agent of the Government of the United States, with full power and authority to sell and dispose of the vacant, unappropriated, and refuse lands, within the limits of said State, lying south and west of the line commonly called the congressional reservation line, and described in the act to which this is an amendment; subject, nevertheless, to the following conditions and limitations, to wit:

Tennessee to dispose of certain lands within said State.

First. The State of Tennessee shall satisfy all legal and bona-fide claims of North Carolina upon said lands, by making provision, by law, that the holders of land warrants under the authority of the State of North Carolina, may locate the same upon the lands not previously located upon, or claimed as occupant pre-emptions, within one year from the time that the State of Tennessee shall make provision for carrying this act into effect; and in default of such location within the said term of one year, the said warrants may be satisfied by the payment of twelve and a half cents per acre for the number of acres contained in each warrant, to be paid out of the proceeds of the sale of said land: *Provided*, The holders shall present such warrant to the proper authorities for payment of the same within two years from the action of the legislature of the State of Tennessee hereon: *And provided, furthermore*, That if the said warrants shall not be satisfied, either by the location of land within one year, or their presentation for payment within two years as aforesaid, the holders shall be for ever barred of all further claim or right to demand the same.

Tennessee to satisfy all legal and bona-fide claims of North Carolina upon said lands.

Second. In entering, purchasing, and disposing of said lands, or obtaining grants of the same, all and every person or persons, the legal representative of such person or persons, and the rightful assignee of such person or persons, as are entitled to the right of occupancy and pre-emption according to the laws of the State of Tennessee, shall have the preference in the entry or purchase of their occupant and pre-emption rights, at the price of twelve and a half cents per acre, not exceeding two hundred acres each.

Persons entitled to occupancy and pre-emption by the laws of Tennessee, to have the preference.

Third. After satisfying the claims and rights aforesaid, the State of Tennessee shall offer for sale the rest and residue of said lands, in such manner, in such quantities, and by such description, as may be most convenient; and, for the full term of three years from and after the time herein allowed for the location of North Carolina land warrants, may sell and dispose of, and perfect titles to the same, at a price not

Tennessee to dispose of the residue of said lands, how.

less than twelve and a half cents per acre. And so much of the said land as may remain unsold at the expiration of the said term of three years, shall be disposed of as aforesaid, within the further term of three years, at such price per acre as it may bring in open market: *Provided*, That the proceeds of the sale of said lands, over and above so much thereof as shall be necessary to the satisfaction of said North Carolina claims, shall be accounted for and paid over by the State of Tennessee to the United States in the month of January annually. (a)

(a) See Nos. 2442, 2444, 2448.

Aug. 7, 1846.
Vol. 9, p. 66.

No. 2448.—AN ACT to surrender to the State of Tennessee all title the United States have to lands in Tennessee, south and west of the line commonly called the congressional reservation line, and to release to said State the proceeds of such of said lands as may have been sold by the State of Tennessee, as the agent of the United States.

All unappropriated land of the United States in Tennessee, south and west of the congressional reservation line, released to said State, with the proceeds of such as have been sold.

Said State to apply \$40,000 of the proceeds of said lands for a college.

Such release to be in satisfaction for services and expenses of Tennessee.

Said lands to remain subject to certain claims.

Be it enacted, &c., That the United States hereby release and surrender to the State of Tennessee the right and title of the United States to all lands in the State of Tennessee, lying south and west of the congressional reservation line in said State, which may yet remain unappropriated, and further release and transfer to said State of Tennessee the proceeds of such of said lands as may have been sold by said State, not heretofore paid over to the United States, nor deposited subject to the order or use of the United States, under the authority of the act of Congress of the eighteenth February, eighteen hundred and forty-one, entitled "An act to amend an act entitled 'An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same,' passed the eighteenth day of April, one thousand eight hundred and six." This surrender and transfer is upon the express condition that the State of Tennessee shall, out of the proceeds of said lands, set apart and apply forty thousand dollars towards the establishment and support of a college at Jackson, in the county of Madison, in the State of Tennessee, if the proceeds of the sales of said lands shall amount to so much; and if the aggregate amount of said sales (not paid over nor deposited as aforesaid) shall not amount to the said sum, then whatever sum smaller than forty thousand dollars they may amount to, in accordance with the provisions contained in an act of the general assembly of said State, passed in the year eighteen hundred and thirty-eight, being chapter one hundred and seven, section eight, and in accordance with the desire expressed by said general assembly, in their certain memorial to Congress, passed December four, eighteen hundred and forty-five: *Provided, nevertheless*, That the release herein provided for to the said State of Tennessee of said lands shall be in full satisfaction for any and all services rendered and expenses incurred by said State, or the authorities thereof, in the management, disposal, or administration, of said public lands, and as agent or agents of the United States, in virtue of the provisions of the act entitled "An act to amend an act entitled 'An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same,' passed the eighteenth February, eighteen hundred and forty-one." *And provided also*, That all the said lands the release of which is herein provided for, and the proceeds thereof, shall be and remain subject to all the same claims, incumbrances, and liabilities, in relation to "North Carolina land warrants," or other claims of North Carolina, as the same would or could be subject to as regards the United States, if the same were not so as aforesaid released. (a)

(a) See Nos. 2442, 2444, 2447.

Feb. 28, 1867.
Vol. 14, p. 569.

No. 2449.—JOINT RESOLUTION to extend the provisions of the act in regard to agricultural colleges, to the State of Tennessee.

Public lands to Tennessee for agricultural college.

Be it resolved, &c., That the provisions of the act of July two, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and of the "act to amend the fifth section" thereof, approved July twenty-third, eighteen hundred and sixty-six, are hereby extended and made applicable to the State of Tennessee.

TEXAS.

No. 2450.—AN ACT giving the consent of the Government of the United States to the State of Texas to extend her eastern boundary, so as to include within her limits one-half of Sabine Pass Sabine Lake, and Sabine River, as far north as the thirty-second degree of north latitude. July 5, 1848.
Vol. 9, p. 245.

Be it enacted, &c., That this Congress consents that the legislature of the State of Texas may extend her eastern boundary so as to include within her limits one-half of Sabine Pass, one-half of Sabine Lake, also one-half of Sabine River, from its mouth as far north as the thirty-second degree of north latitude. The legislature of Texas may extend her eastern boundary.

No. 2451.—AN ACT proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a Territorial government for New Mexico. Sept. 9, 1850.
Vol. 9, p. 446.

Be it enacted, &c., That the following propositions shall be, and the same hereby are, offered to the State of Texas, which, when agreed to by the said State, in an act passed by the general assembly, shall be binding and obligatory upon the United States, and upon the said State of Texas: Propositions offered to Texas, when accepted, to be binding upon her and the United States.
Provided, The said agreement by the said general assembly shall be given on or before the first day of December, eighteen hundred and fifty: proviso.

First. The State of Texas will agree that her boundary on the north shall commence at the point at which the meridian of one hundred degrees west from Greenwich is intersected by the parallel of thirty-six degrees thirty minutes north latitude, and shall run from said point due west to the meridian of one hundred and three degrees west from Greenwich; thence her boundary shall run due south to the thirty-second degree of north latitude; thence on the said parallel of thirty-two degrees of north latitude to the Rio Bravo del Norte, and thence with the channel of said river to the Gulf of Mexico. Boundary of Texas defined.

Second. The State of Texas cedes to the United States all her claim to territory exterior to the limits and boundaries which she agrees to establish by the first article of this agreement. (a) Cession of territory to the United States.

(a) See Nos. 2452, 2453.

No. 2452.—A PROCLAMATION by the President of the United States of America declaring act of 1850, respecting the boundaries of Texas, to be in force. Dec. 13, 1850.
Vol. 9, p. 1003.

Whereas, by an act of the Congress of the United States of the ninth of September, one thousand eight hundred and fifty, entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a Territorial government for New Mexico," it was provided, that the following propositions should be, and the same were thereby, offered to the State of Texas, which, when agreed to by the said State, in an act passed by the general assembly, should be binding and obligatory upon the United States and upon the said State of Texas: *Provided,* The said agreement by the said general assembly should be given on or before the first day of December, eighteen hundred and fifty; namely:—

"First. The State of Texas will agree that her boundary on the north shall commence at the point at which the meridian of one hundred degrees west from Greenwich is intersected by the parallel of thirty-six degrees thirty minutes north latitude, and shall run from said point due west to the meridian of one hundred and three degrees west from Greenwich; thence her boundary shall run due south to the thirty-second degree of north latitude; thence on the said parallel of thirty-two de-

gresses of north latitude to the Rio Bravo del Norte, and thence with the channel of said river to the Gulf of Mexico."

"Second. The State of Texas cedes to the United States all her claim to territory exterior to the limits and boundaries which she agrees to establish by the first article of this agreement."

"Third. The State of Texas relinquishes all claim upon the United States for liability of the debts of Texas, and for compensation or indemnity for the surrender to the United States of her ships, forts, arsenals, custom-houses, custom-house revenues, arms and munitions of war, and public buildings with their sites, which became the property of the United States at the time of the annexation."

"Fourth. The United States, in consideration of said establishment of boundaries, cession of claim to territory, and relinquishment of claims, will pay to the State of Texas the sum of ten millions of dollars in a stock bearing five per cent. interest, and redeemable at the end of fourteen years, the interest payable half-yearly at the Treasury of the United States."

"Fifth. Immediately after the President of the United States shall have been furnished with an authentic copy of the act of the general assembly of Texas accepting these propositions, he shall cause the stock to be issued in favor of the State of Texas, as provided for in the fourth article of this agreement: *Provided also*, That no more than five millions of said stock shall be issued until the creditors of the State holding bonds and other certificates of stock of Texas for which duties on imports were specially pledged, shall first file at the Treasury of the United States releases of all claim against the United States for or on account of said bonds or certificates in such form as shall be prescribed by the Secretary of the Treasury and approved by the President of the United States. *Provided*, That nothing herein contained shall be construed to impair or qualify any thing contained in the third article of the second section of the 'joint resolution for annexing Texas to the United States,' approved March first, eighteen hundred and forty-five, either as regards the number of States, that may hereafter be formed out of the State of Texas, or otherwise."

And whereas it was further provided, by the eighteenth section of the same act of Congress, "That the provisions of this act be, and they are hereby, suspended until the boundary between the United States and the State of Texas shall be adjusted, and when such adjustment shall have been effected, the President of the United States shall issue his proclamation declaring this act to be in full force and operation:

And whereas the legislature of the State of Texas, by an act approved the twenty-fifth of November last, entitled "An act accepting the propositions made by the United States to the State of Texas, in an act of the Congress of the United States approved the ninth day of September, A. D. one thousand eight hundred and fifty, and entitled 'An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a Territorial government for New Mexico,'"—of which act a copy authenticated under the seal of the State has been furnished to the President,—enacts "that the State of Texas hereby agrees to and accepts said propositions, and it is hereby declared that the said State shall be bound by the terms thereof, according to their true import and meaning:"

Act of 1850 declared to be in full operation.

Now, therefore, I, Millard Fillmore, President of the United States of America, do hereby declare and proclaim that the said act of the Congress of the United States of the ninth of September last, is in full force and operation. (a)

Given under my hand, at the city of Washington, this thirteenth day of December, in the year of our Lord one thousand eight hundred and fifty, and the seventy-fifth of the Independence of these United States.

[L. S.]

MILLARD FILLMORE.

By the President:

DAN'L WEBSTER,
Secretary of State.

(a) See Nos. 2451, 2453.

No. 2453.—AN ACT to authorize the President of the United States, in conjunction with the State of Texas, to run and mark the boundary lines between the Territories of the United States and the State of Texas.

June 5, 1858.
Vol. 11, p. 310.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized and empowered to appoint a suitable person or persons, who, in conjunction with such person or persons as may be appointed by and on behalf of the State of Texas for the same purpose, shall run and mark the boundary lines between the Territories of the United States and the State of Texas: Beginning at the point where the one hundredth degree of longitude west from Greenwich crosses Red River, and running thence north to the point where said one hundredth degree of longitude intersects the parallel of thirty-six degrees thirty minutes north latitude; and thence west with the said parallel of thirty-six degrees and thirty minutes north latitude to the point where it intersects the one hundred and third degree of longitude west from Greenwich; and thence south with the said one hundred and third degree of longitude to the thirty-second parallel of north latitude; and thence west with the said thirty-second degree of north latitude to the Rio Grande.

Boundary lines between the Territories of the United States and Texas to be run.
Boundaries.

SEC. 2. *And be it further enacted,* That such landmarks shall be established at the said point of beginning on Red River, and at the other corners, and on the said several lines of said boundary, as may be agreed on by the President of the United States, or those acting under his authority, and the said State of Texas, or those acting under its authority.

Landmarks to be established.

SEC. 3. *Be it further enacted,* That the sum of eighty thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act: *Provided,* That the person or persons appointed and employed on the part and behalf of Texas are to be paid by the said State: *Provided further,* That no persons, except a superintendent or commissioner, shall be appointed or employed in this service by the United States but such as are required to make the necessary observations and surveys to ascertain such line and erect suitable monuments thereon and make return of the same. (a)

\$80,000 appropriated therefor.

Proviso.

Persons to be employed by the United States.

(a) See Nos. 2451, 2452.

MISCELLANEOUS.

Jan. 3, 1792.
Vol. 1, p. 229.

No. 2454.—AN ACT for carrying into effect a contract between the United States and the State of Pennsylvania.

For duly conveying to the State of Pennsylvania a certain tract of land, the right to the government and jurisdiction whereof was relinquished to the said State by a resolution of Congress of the fourth day of September, in the year one thousand seven hundred and eighty-eight, and whereof the right of soil has been sold by virtue of a previous resolution of Congress of the sixth day of June in the said year;

Tract of land
conveyed to
Pennsylvania on
certain condi-
tions.

Be it enacted, &c., That the President of the United States be authorized, on fulfilment of the terms stipulated on the part of the State of Pennsylvania, to issue letters-patent, in the name and under the seal of the United States, granting and conveying to the said State forever the said tract of land, as the same was ascertained by a survey made in pursuance of the resolution of Congress of the sixth day of June one thousand seven hundred and eighty-eight.

March 27, 1792.
Vol. 6, p. 6.

No. 2455.—AN ACT for the relief of certain widows, orphans, invalids, and other persons.

* * * * *

Grant to N. F.
Westfall.

SEC. 3. *And be it further enacted.* That there be granted to Nicholas Ferdinand Westfall, who left the British service and joined the Army of the United States, during the late war, one hundred acres of unappropriated land in the western territory of the United States, free of all charges, and also the sum of three hundred and thirty-six dollars, out of any money appropriated to the contingent charges of Government.

March 3, 1797.
Vol. 1, p. 507.

No. 2456.—AN ACT to authorize the receipt of evidences of the public debt, in payment for the lands of the United States.

Stock of the
United States re-
ceived in pay-
ment for western
lands.

Be it enacted, &c., That the evidences of the public debt of the United States, shall be receivable in payment for any of the lands which may be hereafter sold in conformity to the act, intituled "An act providing for the sale of the lands of the United States, in the territory north-west of the river Ohio, and above the mouth of Kentucky River," at the following rates, viz.: The present foreign debt of the United States, and such debt, or stock, as, at the time of payment, shall bear an interest of six per centum per annum, shall be received at their nominal value; and the other species of debt, or stock, of the United States, shall be received at a rate bearing the same proportion to their respective market price, at the seat of Government, at the time of payment, as the nominal value of the above-mentioned six per centum stock shall, at the same time, bear to its market price at the same place; the Secretary of the Treasury, in all cases, determining what such market price is. (a)

(a) See No. 2453.

May 10, 1800.
Vol. 6, p. 41.

No. 2457.—AN ACT for the relief of Ithamar Canfield.

Three land war-
rants to be issued
to Ithamar Can-
field, assignee,
&c.

Be it enacted, &c., That the proper officer be, and he is hereby authorized and directed to issue three land warrants, of one hundred acres each, to Ithamar Canfield, assignee to Eliphalet Tomlinson, Jabez Tomlinson, and Abraham Shelly, who served the United States as soldiers during the revolutionary war, and became entitled to the said lands by virtue of a resolution of Congress: *Provided,* The transfers and powers of attorney are made out pursuant to the rules in such cases established at the War Office.

No. 2458.—AN ACT to repeal so much of any act or acts as authorize the receipt of evidences of the public debt, in payment for lands of the United States; and for other purposes, relative to the public debt. April 18, 1806.
Vol. 2, p. 405.

Be it enacted, &c., That so much of any act or acts as authorize the receipt of evidences of the public debt, in payment for the lands of the United States, shall from and after the thirtieth day of April, one thousand eight hundred and six, be repealed: *Provided,* That the right of all persons who may have purchased public lands previous to the passage of this act, to pay for the same in stock, shall in no wise be affected or impaired: *And provided further,* That there shall be allowed on every payment made in money, at or before the same shall fall due, for lands purchased before the thirtieth day of April, one thousand eight hundred and six, in addition to the discounts now allowed by law, a deduction equal to the difference at the time of such payment, between the market price of six per cent. stock and the nominal value of its unredeemed amount, which market price shall, from time to time, be stated by the Secretary of the Treasury to the officers of the several land offices. (a)

Repeal of such acts as authorize the receipt of evidences of public debt in payment for land after the 30th of April, 1806.
Proviso.

(a) See No. 2456.

No. 2459.—AN ACT making compensation to Messrs. Lewis and Clarke, and their companions. March 3, 1807.
Vol. 6, p. 65.

Be it enacted, &c., That the Secretary of War be, and he is hereby directed to issue land warrants to Meriwether Lewis and William Clarke, for one thousand six hundred acres each; to John Ordway, Nathaniel Prior, the heirs or legal representatives of Charles Floyd deceased, Patrick Gass, William Bratton, John Collins, John Colter, Pier Cruzatte, Joseph Field, Reuben Field, Robert Frasier, Silas Goodrich, George Gibson, Thomas P. Howard, Hugh Hall, Francis Labuiche, Hugh M'Neal, John Shields, George Shannon, John Potts, John Baptiste Le Page, John B. Thompson, William Werner, Richard Windsor, Peter Wieser, Alexander Willard, Joseph Whitehouse, George Drulyard, Tousaint Charbono, Richard Worlington, and John Newman, for three hundred and twenty acres each: which several warrants may, at the option of the holder or possessor, be located with any register or registers of the land offices, subsequent to the public sales in such office, on any of the public lands of the United States, lying on the west side of the Mississippi, then and there offered for sale, or may be received at the rate of two dollars per acre, in payment of any such public lands.

Warrants for land to be issued to Capt. Lewis and his companions.

SEC. 2. *And be it further enacted,* That double pay shall be allowed, by the Secretary of War, to each of the before-named persons, agreeably to the time he or they may have served, in the late enterprise to the Pacific Ocean, conducted by Messrs. Lewis and Clarke, and that the sum of eleven thousand dollars be and the same hereby is appropriated to discharge the same, out of any moneys in the Treasury not otherwise appropriated. (a)

Double pay allowed.
Sum appropriated.

(a) See Nos. 2467, 2514, 2552.

No. 2460.—AN ACT to extend the time for making payment for the public lands of the United States. March 2, 1809.
Vol. 2, p. 533.

Be it enacted, &c., That every person who hath heretofore purchased any of the public lands of the United States, at any of the land offices established for the disposal of the said lands, whether such purchase was made at public or private sale (sales by virtue of a pre-emption right only excepted), and whose lands have not already been actually sold or reverted to the United States, for non-payment of part of the purchase money, and the time for making the last payment on account of such purchase according to former laws, may have expired, or shall expire, on or before the first day of January next, shall be allowed a further term of two years for the payment of the residue of the principal due on account of such purchase; which further term of two years shall be calculated to commence from the expiration of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, and shall be allowed only on the following conditions; that is to say:—First, That all the arrears of interest, on the land purchased, to the end of

Further time allowed for completing payments to those who purchased lands.

Arrears of interest to be paid.

Payment of the residue with interest.

Penalty on failure to pay arrears of interest, &c.

one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, shall have been paid at or before the end of such year. Second, that the residue of the sum, due on account of the principal of such purchase, shall be paid with interest thereon, in two equal annual payments, viz. one-half of the said residue, with the interest which may then be due thereon, within one year; and the other half of the said residue, with the interest which may then be due thereon, within two years after the expiration of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due. And in case of failure in paying either the arrears of interest on each of the two instalments of principal, with the accruing interest, at the time and times above mentioned, the tract of land shall be forthwith advertised and offered for sale, in the manner and on the terms and conditions now prescribed for the sale of lands purchased from the United States, and not paid for within the limited time; and shall revert, in like manner, to the United States, if the sum due with interest, be not at such sale bidden and paid. (a)

(a) See Nos. 2461, 2462, 2464, 2465, 2466, 2467, 2468, 2494, 2495, 2500, 2504, 2510, 2513, 2519, 2526, 2531.

April 30, 1810.
Vol. 2, p. 591.

No. 2461.—AN ACT to extend the time for making payment for the public lands of the United States in certain cases.

Actual settlers, with some exceptions, under purchases from the United States allowed a further time to make their payments.

Two years allowed for the payment of the residue.

Mode of payment of the residue.

Provision in cases where the lands have reverted to the United States.

Be it enacted, &c., That every person who, prior to the first day of January, one thousand eight hundred and six, had purchased any tract or tracts of land of the United States, not exceeding in the whole, six hundred and forty acres, at any of the land offices established for the disposal of said lands, whether such purchase was made at public or private sale, (sales by virtue of a pre-emption right only excepted,) and whose lands have not already been actually sold or reverted to the United States for non-payment of part of the purchase money, and who shall for the term of at least one year previous to the expiration of five years from the date of the purchase of the land, have actually inhabited and cultivated any one tract of land thus purchased, and the time for making the last payment on account of such purchase according to former laws, may have expired or shall expire on or before the first day of January next, shall be allowed a further term of two years, for the payment of the residue of the principal due on account of such purchase; which further term of two years shall be calculated to commence from the expiration of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, and shall be allowed only on the following conditions, that is to say: First, that all the arrears of interest on the land purchased to the end of one year, from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, shall have been paid at or before the end of such year: Second, that the residue of the sum due on account of the principal of such purchase shall be paid with interest thereon, in two equal annual payments, viz: one-half of the said residue with the interest, which may then be due thereon, within one year; and the other half of the said residue, with the interest which may then be due thereon, within two years after the expiration of one year, from and after the day on which the last payment on account of such purchase should, according to former laws, have become due. And in case of failure in paying either the arrears of interest, or each of the two instalments of principal, with the accruing interest, at the time and times above mentioned, the tract of land shall be forthwith advertised and offered for sale in the manner and on the terms and conditions now prescribed for the sale of lands, purchased from the United States, and not paid for within the limited time; and shall revert, in like manner, to the United States, if the sum due with interest, be not at such sale bidden and paid.

And in cases where any tract or tracts of land, not in the whole exceeding six hundred and forty acres, which have since the first day of January last, reverted to the United States, for default of payment, the original purchaser may again enter the same tract or tracts. And all monies which such original purchaser may have paid shall be replaced to his credit, by the receiver of public monies of the respective land offices, and such repurchasers shall be allowed the same benefits of the

extension of the time of payment, created by this act, as though no such reversion had occurred: *Provided*, Such original purchaser shall make to the proper land officer such application for such re-entry, as is required by law for the entry of lands, on or before first day of June next, and the land so reverted shall not have then been previously re-sold. (a)

(a) See Nos. 2460, 2462, 2464, 2465, 2466, 2468, 2485, 2488, 2494, 2495, 2500, 2504, 2510, 2513, 2519, 2526, 2531.

No. 2462.—AN ACT providing for the removal of the land office established at Nashville, in the State of Tennessee, and Canton in the State of Ohio; and to authorize the register and receiver of public monies to superintend the public sales of land in the district east of Pearl River. Feb. 25, 1811.
Vol. 2, p. 649.

SEC. 3. *And be it further enacted*, That if any tract of the public lands, wherein a land office is or may be established, and on which complete payment has not or may not have been made, within the time prescribed by law for completing the same, and the tract having been advertised for sale agreeably to law, it shall be lawful to offer the same for sale at public vendue, at the time and place of the sitting of the court, for the county in which the land office is kept for the district to which the tract belongs, whether the court shall be denominated a court of quarter sessions, or by whatever other designation it may be known. (a)

(a) See Nos. 2460, 2461, 2464, 2465, 2466, 2468, 2485, 2488, 2494, 2495, 2500, 2504, 2510, 2513, 2519, 2526, 2531.

No. 2463.—AN ACT to raise an additional military force.

Jan. 11, 1812.
Vol. 2, p. 671.

SEC. 12. *And be it further enacted*, That there shall be allowed and paid to each effective able-bodied man, recruited as aforesaid, to serve for the term of five years, a bounty of sixteen dollars; but the payment of eight dollars of the said bounty shall be deferred until he shall be mustered, and have joined some military corps of the United States for service. And whenever any non-commissioned officer, or soldier, shall be discharged from the service, who shall have obtained from the commanding officer of his company, battalion or regiment, a certificate, that he had faithfully performed his duty whilst in service, he shall moreover be allowed and paid, in addition to the said bounty, three months' pay, and one hundred and sixty acres of land, and the heirs and representatives of those non-commissioned officers or soldiers who may be killed in action, or die in the service of the United States, shall likewise be paid and allowed the said additional bounty of three months' pay and one hundred and sixty acres of land, to be designated, surveyed and laid off at the public expense, in such manner and upon such terms and conditions as may be provided by law.

Bounty; how and when to be paid.

Additional pay in money and land, when to be paid.

No. 2464.—AN ACT directing the terms on which lands sold at public sale, and that revert for failure in payment, shall again be sold. Jan. 14, 1812.
Vol. 2, p. 674.

Be it enacted, &c., That no tract or tracts of the reserved sections or other public lands of the United States, that have been or may hereafter be sold at public sale, and which may have, or shall, on account of failure to complete the payment of the purchase money, revert to the United States, shall hereafter be sold at private sale, at a price less than that for which the same tract was sold at public sale. (a)

(a) See Nos. 2460, 2461, 2462, 2465, 2466, 2468, 2485, 2488, 2494, 2495, 2500, 2504, 2510, 2513, 2519, 2526, 2531.

No. 2465.—AN ACT giving further time to purchasers of public lands to complete their payments.

March 3, 1813.
Vol. 2, p. 811.

Be it enacted, &c., That every person who, prior to the first day of April, one thousand eight hundred and nine, had purchased any tract or tracts of land of the United States, not exceeding in the whole six hundred and forty acres, unless the tract purchased be a fractional section or sections of fractional sections classed with an entire section, at any of the land offices established for the disposal of the public lands, and whose lands have not already been actually sold, or reverted to the

Further time allowed for purchasers prior to April, 1809.

Conditions. United States, for non-payment of part of the purchase money, shall be allowed the further term of three years, from and after the expiration of the period already given by law, for completing the payment of the said purchase money, which further term of three years shall be allowed only on condition, First, That all arrears of interest on the purchase money shall have been paid on or before the time shall have expired, according to former laws for completing the payment of the purchase money: *Provided*, That in all cases in which the time for completing the payment of the purchase money may have expired or shall expire before the first day of June next, the interest may be paid on or before that day. Second, That the residue of the sum due on account of the principal of such purchase, shall be paid with interest thereon, in three equal annual payments, viz: One-third of the said residue, with interest which may then be due thereon, within one year; another third of said residue with interest, within two years, and the remaining third of said residue with interest within three years after the expiration of the time for completing the payment on account of such purchase, according to former laws; and in case of failure, in paying either the arrears or interest, or any of three instalments of principal with the accruing interest, at the time and times above mentioned, the tract of land shall be forthwith advertised and offered for sale, in the manner and on the terms directed by law, in case of lands not paid for within the limited term, and shall revert in like manner, if the sum due with interest be not at such sale bidden and paid: *Provided*, That the benefit of this act shall not extend to any person or persons on account of any purchase of any tract or tracts of land made at any of the land offices northwest of the river Ohio, prior to the first day of April, one thousand eight hundred and eight. (a)

Proviso.
Limitation of the act.

(a) See Nos. 2460, 2461, 2462, 2464, 2468, 2488, 2494, 2495, 2500, 2504, 2510, 2513, 2519, 2526, 2531.

Feb. 19, 1814.
Vol. 3, p. 97.

No. 2466.—AN ACT giving further time to purchasers of public lands to complete their payments.

Further time given to purchasers of land.

Be it enacted, &c., That every person, who, prior to the first day of April, one thousand eight hundred and ten, had purchased any tract or tracts of land of the United States not exceeding in the whole six hundred and forty acres, unless the tract purchased be a fractional section or sections, or fractional sections classed with an entire section, at any of the land offices, and whose lands have not already been actually sold or reverted to the United States for non-payment of part of the purchase money, shall be allowed the further time of three years, from and after the expiration of the present period already given by law, for completing the payment of the said purchase money; which further term of three years shall be allowed only on the following conditions: First, that all arrears of interest on the purchase money shall have been paid on or before the time shall have expired for completing the

Conditions.

Proviso, in cases where the time for completing the payments shall have expired, or shall expire upon June 1, 1814.

payment of the purchase money: *Provided*, That in all cases in which the time for completing the payment of the purchase money may have expired or shall expire before the first day of June next, the interest may be paid on or before that day. Second, that the residue of the sum due on account of the principal of such purchase shall be paid with interest thereon in three equal annual payments, as follows, viz: one-third of the said residue with the interest which may be due thereon within one year; another third of the said residue with the interest which may be due thereon, within two years; and the remaining third of the said residue with the interest due thereon within three years, after the expiration of the time for completing the payment on account of such purchase according to former laws. And in case of failure in paying either the arrears of interest or any of the three instalments of principal with the accruing interest, at the time and times above mentioned, the tract of land shall be forthwith advertised and offered for sale in the manner and on the terms directed by law, in case of lands not paid for within the limited term, and shall revert in like manner, if the sum due with interest be not at such sale bidden and paid:

The benefit of this act not to extend to purchasers of land northwest of the Ohio, prior to April 1, 1809.

Provided, That the benefit of this act shall not extend to any person or persons on account of any purchase of any tract or tracts of land made at any of the land offices, northwest of the river Ohio, prior to the first day of April, one thousand eight hundred and nine. (a)

(a) See Nos. 2460, 2461, 2462, 2464, 2465, 2468, 2488, 2494, 2495, 2500, 2504, 2510, 2513, 2519, 2526, 2531.

No. 2467.—AN ACT for the renewal of a land warrant to George Shannon.

April 18, 1814.
Vol. 6, p. 143.

Be it enacted, &c., That the Secretary of War be, and he hereby is directed to cause to be granted to George Shannon a warrant for three hundred and twenty acres of land, in lieu of warrant number twenty-one for the said quantity of land issued to the said Shannon, on the sixth day of March, one thousand eight hundred and seven, under an act of Congress passed the third day of March, one thousand eight hundred and seven, entitled "An act making compensation to Messieurs Lewis and Clark, and their companions," which is lost; which said warrant, so to be granted, shall have all the properties of the one heretofore obtained by the said Shannon: *Provided, nevertheless, and it is hereby declared,* That the said warrant heretofore obtained by the said Shannon, and any proceedings that may be had thereon, shall be null and void to all intents and purposes. (a)

Land warrant to be granted to George Shannon.

Proviso.

(a) See Nos. 2459, 2514, 2552.

No. 2468.—AN ACT for giving further time to the purchasers of public lands to complete their payments.

Feb. 4, 1815.
Vol. 3, p. 201.

Be it enacted, &c., That every person who, after the first day of April, one thousand eight hundred and ten, and prior to the first day of April, one thousand eight hundred and eleven, had purchased any tract or tracts of land of the United States, not exceeding in the whole six hundred and forty acres, at any of the land offices of the United States, and whose lands have not already been actually sold or reverted to the United States, for non-payment of part of the purchase money, shall be, and they hereby are allowed the further time of three years, from and after the expiration of the period already given by law for completing the payment of the purchase money aforesaid; which further time of three years shall be allowed only on the following conditions: first, all arrears of interest on the purchase money shall be paid on or before the expiration of the time for completing the payment of the purchase money according to former laws: *Provided,* That in all cases in which the time for completing the payment of the purchase money may have expired, or shall expire before the first day of June next, the interest may be paid on or before that day: second, the residue of the sum due on account of the principal of such purchase shall be paid, with interest thereon, in three equal annual payments, as follows, viz: one-third of the said sum, with the interest due thereon, within one year; one-third of the said sum, with the interest due thereon within two years, and the residue, with the interest due thereon, within three years after the expiration of the time for completing the payments on such purchases according to law. And in case of failure to pay the arrears of interest, or any of the three instalments of principal, with the accruing interest, at the time above mentioned, the tract of land shall be forthwith advertised and offered for sale in the manner and on the terms directed by law, in case of lands not paid within the time limited by law, and shall revert to the United States in like manner, if the same is not sold at such sale. (a)

Further time allowed to purchasers of public lands.

Conditions.

(a) See Nos. 2460, 2461, 2462, 2464, 2465, 2466, 2465, 2468, 2494, 2495, 2500, 2504, 2510, 2513, 2519, 2526, 2531.

No. 2469.—AN ACT relating to settlers on the lands of the United States.

March 25, 1816.
Vol. 3, p. 260.

Be it enacted, &c., That any person or persons who, before the first day of February, one thousand eight hundred and sixteen, had taken possession of, occupied or made a settlement on, any lands ceded or secured to the United States, by any treaty made with a foreign nation, or by a cession from any State to the United States, which lands had not been previously sold, ceded, or leased, by the United States, or the claim to which lands had not been previously recognised or confirmed by the United States, and who, at the time of passing this act, does or do actually inhabit and reside on such lands, may, at any time prior to the first day of September next, apply to the proper register or recorder, as the case may be, of the land office established for the disposal, registering, or recording, of such lands; and where there is no register or recorder, to the marshal, or to such person or persons as may be, by the registers, recorders, or marshals, respectively, appointed for the purpose of receiving such applications, stating the tract or tracts of land thus

Persons occupying lands ceded to the United States allowed, on application to a register, recorder, or marshal, to remain thereon, &c.

Applicant for permits of settlement to give description of the land.

- Permits to be given. occupied, settled, and inhabited, by such applicant or applicants, and requesting permission to continue thereon; and it shall thereupon be lawful for such register, recorder, or marshal, respectively, to permit, in conformity with such instructions as may be given by the Secretary of the Treasury, with the approbation of the President of the United States, for that purpose, such applicant or applicants to remain on such tract or tracts of land, provided the same shall at that time remain unsold by the United States, not exceeding three hundred and twenty acres for each applicant, as tenants at will, on such terms and conditions as shall prevent any waste or damage on such lands, and on the express condition that such applicant or applicants shall, whenever such tract or tracts of land may be sold or ceded by the United States, or whenever, from any other cause, he or they may be required, under the authority of the United States, so to do, give quiet possession, of such tract or tracts of land to the purchaser or purchasers, or to remove altogether from the land, as the case may be: *Provided, however*, That such permission shall not be granted to any such applicant unless he shall previously sign a declaration, stating that he does not lay any claim to such tract or tracts of land, and that he does not occupy the same by virtue of any claim, or pretended claim, derived, or pretended to be derived, from any other person or persons; *And provided also*, That in all cases where the tract of land applied for includes either a lead mine or salt spring, no permission to work the same shall be granted without the approbation of the President of the United States.
- Quantity not exceeding 320 acres for each applicant, &c. Sec. 2. *And be it further enacted*, That all the applications made, and permissions granted, by virtue of the preceding section, shall be duly entered on books, to be kept for that purpose by the registers, recorders, and marshals aforesaid, respectively; and they shall be entitled to receive, from the party, for each application, fifty cents, and for each permission, one dollar.
- The applicant to give quiet possession when required, &c. Sec. 3. *And be it further enacted*, That this act shall continue and be in force for the term of one year, any law to the contrary notwithstanding. (a)
- Proviso: the applicant previously to sign a declaration that he lays no claim, &c. (a) See Nos. 2471, 2475, 2519, 2522, 2526, 2527, 2529, 2535, 2539, 2543, 2555, 2560, 2592, 2601, 2614.
- Proviso as to lead mines and salt springs.
- Applications and permission to be entered on books, &c. Fees, &c.
- Limitation of this act.

- April 24, 1816. Vol. 6, p. 163. **No. 2470.**—AN ACT for the relief of Patrick O'Flyng, and Abigail O'Flyng and Edmund O'Flyng.
Be it enacted, &c., That the proper officer of the Department of War be, and he is hereby authorized and directed to allow and grant to Patrick and Abigail O'Flyng, a land warrant for four hundred and eighty acres of land, in the same manner and upon the same terms that warrants for military land bounty are granted to the soldiers of the Army of the United States.
- Land warrant granted to Patrick and Abigail O'Flyng. Sec. 2. *And be it further enacted*, That the officer aforesaid be, and he is hereby authorized and directed to allow and grant to Edmund O'Flyng a military land-warrant for one hundred and sixty acres of land, in the same manner and upon the same terms that warrants are granted to the soldiers of the aforesaid Army.
- To Edmund O'Flyng. Sec. 3. *And be it further enacted*, That Patrick and Abigail O'Flyng be, and they are hereby authorized to receive half pay for five years for each of their sons, Lieutenant Patrick O'Flyng, and Ensign Temple E. O'Flyng, who died whilst in the service of the United States.
- Half pay allowed.

- March 3, 1817. Vol. 3, p. 393. **No. 2471.**—AN ACT to continue in force an act, entitled "An act relating to settlers on lands of the United States."
Be it enacted, &c., That an act, entitled "An act relating to settlers on the lands of the United States," passed the twenty-fifth of March, one thousand eight hundred and sixteen, be, and the same is hereby, continued in force for one year from and after the passage of this act. (a)
- Act of March 25, 1816, extended. (a) See Nos. 2469, 2475, 2519, 2523, 2526, 2527, 2529, 2535, 2539, 2543, 2555, 2560, 2592, 2601, 2614.

- March 3, 1817. Vol. 6, p. 191. **No. 2472.**—AN ACT for the relief of Joseph Summers and John Allen.
Be it enacted, &c., That Joseph Summers and John Allen be, and they are hereby, authorized to withdraw their respective erroneous entries made in the district of Vincennes; and the moneys paid by them on their said entries shall be placed to their credit on any purchase of public land they may have made or shall make.
- Entries may be withdrawn, and payments transferred.

No. 2473.—AN ACT for the relief of Cata Bunnell.April 4, 1818.
Vol. 6, p. 202.

Be it enacted, &c., That Cata Bunnell, the mother of Abden Turrill, late a soldier in the Army of the United States, and who died in said service, be entitled to receive the bounty in land to which the heirs of said Abden would have been entitled had he left any heirs; and that the proper officers cause a warrant and patent to issue accordingly.

Entitled to military land bounty, as mother of A. Turrill.

No. 2474.—AN ACT for the relief of General Moses Porter.April 13, 1818.
Vol. 6, p. 207.

Be it enacted, &c., That the Secretary of War be, and he is hereby authorized to grant to Moses Porter, a warrant for the quantity of two hundred acres of land, for his services as a lieutenant in Crane's, or the Massachusetts regiment, in the revolutionary war, which warrant is in lieu of one heretofore granted for said services, and which has been lost or destroyed; which warrant may be located on any lands appropriated for satisfying the warrants granted for military services performed in the revolutionary war.

Warrant for 200 acres of land granted to him.

May be located, where.

No. 2475.—AN ACT to continue in force an act entitled "An act relating to settlers on lands of the United States."April 20, 1818.
Vol. 3, p. 450.

Be it enacted, &c., That an act, entitled, "An act relating to settlers on the lands of the United States," passed the twenty-fifth of March, one thousand eight hundred and sixteen, be, and the same is hereby, continued in force for one year from and after the third day of March last. (a)

Act continued until March 3, 1819.

(a) See Nos. 2469, 2471, 2519, 2523, 2536, 2537, 2549, 2535, 2539, 2543, 2555, 2560, 2592, 2601, 2614.

No. 2476.—AN ACT granting to Mehitabel Cole the lands therein mentioned.Dec. 28, 1818.
Vol. 6, p. 216.

Be it enacted, &c., That the Secretary of War be authorized to issue, in the name of Mehitabel Cole, a land warrant for the bounty lands to which Jack Fairfield, late a soldier in the Army of the United States, deceased, would have been entitled had he lived.

Land warrant to be issued to her.

No. 2477.—AN ACT for the relief of John Clark.Feb. 20, 1819.
Vol. 6, p. 224.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to issue to John Clark, late an officer in the revolutionary army, a land warrant for the quantity of eight hundred and fifty acres of land; which warrant, when issued, shall be located on any unlocated parts of the fifty quarter townships and fractional quarter townships, reserved by law for original holders of military land-warrants; in the manner, and within the time, provided by law for other military warrants, issued for services in the revolutionary army; and a patent or patents shall be granted thereon, as in other cases.

Land warrant to be issued to him.

No. 2478.—AN ACT authorizing the sale of certain military sites.March 3, 1819.
Vol. 3, p. 520.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized, under the direction of the President of the United States, to cause to be sold such military sites, belonging to the United States, as may have been found, or become useless for military purposes. And the Secretary of War is hereby authorized, on the payment of the consideration agreed for, into the Treasury of the United States, to make, execute, and deliver, all needful instruments, conveying and transferring the same in fee; and the jurisdiction, which had been specially ceded, for military purposes, to the United States, by a State, over such site or sites, shall thereafter cease. (a)

Secretary of War authorized to sell certain useless military sites. To make a deed in fee. Jurisdiction of the United States to cease.

(a) See Nos. 2663, 2671.

No. 2479.—AN ACT in behalf of the Connecticut Asylum for teaching the deaf and dumb.March 3, 1819.
Vol. 6, p. 229.

Be it enacted, &c., That there be granted to the Connecticut Asylum for the education and instruction of deaf and dumb persons, a township of land, or a tract of land equal thereto, to be located, under the direction of the Secretary of the Treasury, in tracts of not less than four

Grant of a township of land.

entire sections each, in any of the unlocated lands of the United States to which the Indian title has been extinguished; which land shall be and forever remain to the use of said asylum, for the education and instruction of deaf and dumb persons; or, if said asylum shall sell said land, which they are authorized to do, the money arising from such sale shall be and remain for ever to the same use.

March 3, 1819.
Vol. 6, p. 230.

No. 2480.—AN ACT for the relief of Daniel Moss.

Military land
warrant to be is-
sued to him.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to issue to Daniel Moss, of the city of New York, a military warrant, for one hundred acres of land, for revolutionary services, in lieu of a warrant alleged to have been issued to said Moss in one thousand eight hundred and seven, and to have been lost.

Jan. 19, 1820.
Vol. 6, p. 236.

No. 2481.—AN ACT allowing Sarah Allen the bounty land and pay which would have been due to her son, Samuel Drew, had he lived, for his services as a private in the late war.

A warrant for
the bounty land
due S. Drew to be
issued.

Be it enacted, &c., That the Secretary of War be authorized to issue, in the name of Sarah Allen, a land warrant for the bounty land to which Samuel Drew, a soldier in the Army of the United States, deceased, would have been entitled, had he lived.

April 24, 1820.
Vol. 6, p. 241.

No. 2482.—AN ACT for the relief of Elizabeth Braden.

Warrant for
bounty land to be
issued.

Be it enacted, &c., That the Secretary of the Department of War be, and he is hereby, directed to issue, in the name of Elizabeth Braden, a land warrant for the bounty land to which her son, George Braden, a soldier, who died of wounds received in the late war, would have been entitled had he lived.

May 2, 1820.
Vol. 6, p. 242.

No. 2483.—AN ACT for the benefit of Christopher Miller.

Authorized to
enter a tract of
land without pay-
ment.

Be it enacted, &c., That Christopher Miller, of Hardin County, and State of Kentucky, be authorized to enter, without payment, at any land office of the United States northwest of the river Ohio, six hundred and forty acres of land, on any lands subject to entry at private sale; and, on return being made to the Commissioner of the General Land Office, a patent shall issue as in other cases.

Jan. 17, 1821.
Vol. 6, p. 255.

No. 2484.—AN ACT for the relief of Margaret Perry.

Warrant for
bounty land to be
issued to her.

Be it enacted, &c., That the Secretary of the Department of War be, and he is hereby, directed to issue to Margaret Perry, a land warrant for the bounty land to which her son, William Valiant, a soldier, who died in the service of the United States, would have been entitled had he lived.

March 2, 1821.
Vol. 3, p. 612.

No. 2485.—AN ACT for the relief of the purchasers of public lands prior to the first day of July, eighteen hundred and twenty.

Lands pur-
chased prior to
July 1, 1820, and
not wholly paid
for, may be relin-
quished by the
legal holder of
the certificate fil-
ing a notice, in
writing, with the
register, &c.

Sums paid on
account of the
part relinquish-
ed to be applied
to discharge in-

Be it enacted, &c., That in all cases where lands have been purchased from the United States, prior to the first day of July, eighteen hundred and twenty, it shall be lawful for any such purchaser, or other person or persons, being the legal holder of any certificate or certificates of land, on or before the thirtieth day of September, eighteen hundred and twenty-one, to file, with the register of the land office, where any tract of land has been purchased, a relinquishment, in writing, of any section, half-section, quarter-section, half quarter-section, or legal subdivision of any fractional section, of land so purchased, upon which the whole purchase money has not been paid, and all sums paid on account of the part relinquished, shall be applied to the discharge of any instalments which may be, or shall hereafter become, due and payable upon such land, so purchased, as shall not have been relinquished, and shall be so

applied and credited as to complete the payment on some one or more instalments due on half quarter-sections where the payments by transfer are sufficient for lands not relinquished.

that purpose: *Provided*, That all divisions and subdivisions, contemplated by this act, shall be made in conformity with the first section of an act making further provision for the sale of public lands, passed the twenty-fourth day of April, one thousand eight hundred and twenty: *And, provided, also*, That the right of relinquishment hereby given shall, in no case, authorize the party relinquishing to claim any repayment from the United States: *And, provided, also*, That where any purchaser has purchased, at the same time, two or more quarter-sections, he shall not be permitted to relinquish less than a quarter-section.

Proviso.

Proviso.

SEC. 2. *And be it further enacted*, That the interest which shall have accrued before the thirtieth day of September next, upon any debt to the United States, for public land, shall be, and the same is hereby, remitted and discharged.

Interest remitted.

SEC. 3. *And be it further enacted*, That the persons indebted to the United States, as aforesaid, shall be divided into three classes; the first class to include all such persons as shall have paid to the United States only one-fourth part of the original price of the land by them respectively purchased or held; the second class to include all such persons as shall have paid to the United States only one-half part of such original price; and the third class to include all such persons as shall have paid to the United States, three-fourth parts of such original price; and the debts of the persons included in the first class shall be paid in eight equal annual instalments; the debts of the persons included in the second class shall be paid in six equal annual instalments; and the debts of the persons included in the third class shall be paid in four equal annual instalments, the first of which instalments, in each of the classes aforesaid, shall be paid in manner following, to wit: of the third class, on the thirtieth day of September next; of the second class, on the thirty-first day of December next; and of the first class, on the thirty-first day of March, one thousand eight hundred and twenty-two; and the whole of the debt aforesaid, shall bear an equal annual interest at the rate of six per cent.: *Provided always*, That the same shall be remitted upon each and every of the instalments aforesaid which shall be punctually paid when the same shall become payable as aforesaid.

Debtors divided into three classes.

1st class.

2d class.

3d class.

Payments of the debts by the respective classes, in instalments.

Times of paying the first instalment.

Debt to bear an interest of 6 per cent. per annum.

Proviso.

SEC. 4. *And be it further enacted*, That in all cases where complete payment of the whole sum due, or which may become due, for any tract of land purchased from the United States, as aforesaid, shall be made on or before the thirtieth day of September, one thousand eight hundred and twenty-two, a deduction at the rate of thirty-seven and a half per centum, shall be allowed upon the sum remaining unpaid: *Provided*, That nothing herein contained shall authorize any discount upon payments made by a transfer of former payments under the provisions of the first section of this act.

Deduction of 37½ per cent. on payment of the whole sum due Sept. 30, 1822.

Proviso.

SEC. 5. *And be it further enacted*, That each and every individual or company that has laid off, on any lands by him or them purchased of the United States, any town, a part or the whole of the lots whereof have been sold, shall be entitled to the benefits of this act in relation to any half-quarter, or quarter-section of land, on which such town may be situated, and of all land by him or them owned, contiguous to, and adjoining said half-quarter, quarter-section, or section, on which said town is situated, upon condition only, that each and every person who has purchased of him, or them, a town lot, or part of a lot, or land in and adjoining the same, shall be entitled to a remission of all interest that has accrued, and to a discount of twenty per centum on the amount unpaid, and to discharge their debt by bonds, with security, in equal annual instalments of four years from the thirtieth day of December next. Nor shall the provisions of this act be construed to extend to any person or persons claiming title to land under the provisions of an act passed the third day of March, one thousand eight hundred and seventeen, entitled "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive."

Those who have laid off towns, part or the whole of the lots whereof have been sold, are entitled to the benefits of this act.

Proviso.

SEC. 6. *And be it further enacted*, That, for failure to pay the several debts aforesaid, in manner aforesaid, and for the term of three months after the day appointed for the payment of the last instalment thereof, in each of the classes aforesaid, the land so purchased or held by the respective persons indebted to the United States as aforesaid, shall, ipso facto, become forfeited, and revert to the United States.

The lands are forfeited on failure to pay, &c.

No person is entitled to the benefit of this act who does not file his written consent before Sept. 30, 1821.

Duty of registers and receivers.

Report to be made to the Treasury Department three months after the 30th Sept., 1821.

Fees to the register and receiver.

No lands purchased prior to 1st of July, 1820, not already forfeited, to be forfeited before Sept. 30, 1821.

Lands relinquished to be deemed forfeited.

Lands surrendered not to be sold for two years after surrender.

SEC. 7. *And be it further enacted*, That no person shall be deemed to be included within, or entitled to, the benefit of any of the provisions of this act, who shall not, on or before the thirtieth day of September next, sign, and file in the office of the register of the land office of the district where the land was purchased, or where the residue of the purchase money is payable, a declaration in writing, expressing his consent to the same; and shall pay to the register, for receiving, recording, and filing the same, fifty cents.

SEC. 8. *And be it further enacted*, That it shall be, and hereby is made, the duty of the several registers and receivers of the land offices of the United States, according to the forms and instructions which shall be given in that behalf by the Treasury Department, to assist in carrying this act in[to] execution, to keep full and faithful accounts and records of all proceedings under the same; and, within the term of three months after the said thirtieth day of September next, to transmit to the said Department a correct report of the quantity of land relinquished to the United States; the quantity on which full payment shall have been made; and the quantity on which a further credit shall have been given, distinguishing the amount of the debt on which a further credit shall have been allowed; and the registers and receivers, respectively, shall be entitled to receive fifty cents from the party relinquishing, for each half quarter-section, quarter-section, half-section, section, or legal subdivision of a fractional section, so relinquishing.

SEC. 9. *And be it further enacted*, That no lands purchased from the United States on or before the first day of July, eighteen hundred and twenty, which are not already forfeited, shall be considered as forfeited to the Government, for failure in completing the payment thereon, until the said thirtieth day of September next; and all the lands which shall be relinquished to the United States, as aforesaid, shall be deemed and held to be forfeited, and, with all other lands which may become forfeited under this act, shall be sold according to the provisions of the act, entitled "An act making further provision for the sale of the public lands," passed the twenty-fourth day of April, eighteen hundred and twenty.

SEC. 10. *And be it further enacted*, That no land which shall be surrendered under the provisions of this act, shall be offered for sale for the term of two years after the surrender thereof. (a)

(a) See Nos. 2460, 2461, 2462, 2464, 2465, 2466, 2468, 2469, 2495, 2500, 2504, 2510, 2513, 2519, 2526, 2531.

March 2, 1821.
Vol. 6, p. 258.

Duplicate of military land-warrant No. 577, to be issued.

Location.

No. 2486.—AN ACT for the relief of James Brady.

Be it enacted, &c., That the Secretary of War cause to be issued to James Brady a duplicate of military land-warrant number five hundred and seventy-seven, for two hundred acres, which, on the twenty-eighth of March, one thousand eight hundred and twelve, issued to him as assignee of John Barclay, a lieutenant of the Pennsylvania line in the revolutionary war, and has been lost, which duplicate may be located on any vacant parts of the fifty quarter townships, and fractional quarter townships, reserved by law for the holders of military warrants, in lien and satisfaction of said warrant number five hundred and seventy-seven, which is hereby declared to be null, void, and of none effect.

Feb. 4, 1822.
Vol. 6, p. 263.

Warrant for bounty land to be issued.

No. 2487.—AN ACT for the relief of Peggy Mellen.

Be it enacted, &c., That the Secretary of War be authorized to issue, in the name of Peggy Mellen, a land warrant for the bounty land to which Alford Stebbins, late a soldier in the Army of the United States, deceased, would have been entitled, had he lived.

April 20, 1822.
Vol. 3, p. 665.

Those who did not avail themselves of the provisions of the act of March 2, 1821, allowed until September 30, 1822, to surrender certificates, &c.

No. 2488.—AN ACT supplementary to the act, entitled "An act for the relief of the purchasers of public lands, prior to the first day of July, eighteen hundred and twenty."

Be it enacted, &c., That all purchasers, and every legal holder of any certificate of the purchase, of the public lands of the United States, who were entitled to, but who have not availed themselves of, any of the provisions of the act of Congress of the second of March, one thousand eight hundred and twenty-one, entitled "An act for the relief of the purchasers of public lands prior to the first day of July, one thousand eight hundred and twenty," be allowed, at any time on or before the

thirtieth day of September, one thousand eight hundred and twenty-two, to surrender their certificates of purchase, to accept, and, on filing such acceptances, shall be entitled and subject to such of the provisions of the aforesaid act as apply to cases where complete payment may be made of any tract of land prior to the thirtieth day of September next.

SEC. 2. *And be it further enacted*, That all purchasers, and every legal holder of any certificate of purchase, of the public lands of the United States, who may not have accepted any of the provisions of the aforesaid act of March second, one thousand eight hundred and twenty-one, or who may not avail themselves of the provisions of the first section of this act, be permitted, at any time prior to the thirtieth of September next, to file their acceptances, and surrender their certificates of purchase, and shall be entitled to all the benefits, and subject to all the provisions, of the aforesaid act of March second, one thousand eight hundred and twenty-one, which relate in any manner to relinquishment and classification, and to the extension of the time of payment by instalments, and the proceeding in relation thereto, in the same manner as if such acceptances had been filed on or before the thirtieth of September last.

SEC. 3. *And be it further enacted*, That all purchasers, and every legal holder of any certificate of purchase, of the public lands of the United States, who may have filed their acceptances and surrendered their certificates of purchase, and accepted the provisions of the aforesaid act of March second, one thousand eight hundred and twenty-one, which relate to payments to be made by instalments, be permitted, notwithstanding their acceptances heretofore filed, to make complete payment on any tract of land on or before the thirtieth day of September next, and shall be entitled to the discount provided for by the fourth section of the aforesaid act.

SEC. 4. *And be it further enacted*, That it shall be the duty of the registers and receivers of the several land offices of the United States to perform the duties prescribed by, or necessary to carry into complete effect, the provisions of this act, according to the forms and instructions heretofore given by the Treasury Department; to keep full and faithful accounts and records of all proceedings under the same, in the manner prescribed by the eighth section of the aforesaid act; to make report of the same to the Treasury Department within the term of three months from the thirtieth of September next; and shall receive, as compensation for like services, the fees provided for by the seventh and eighth sections of said act.

SEC. 5. *And be it further enacted*, That every tract of land which would have been forfeited from a failure to file an acceptance and to surrender the certificate of purchase on or before the thirtieth of September, one thousand eight hundred and twenty-one, be, and the same is hereby, exempted from forfeiture and sale until the thirtieth day of September next, and no longer. (a)

(a) See Nos. 2400, 2461, 2462, 2464, 2465, 2466, 2468, 2483, 2494, 2495, 2500, 2504, 2510, 2513, 2519, 2526, 2531.

No. 2489.—AN ACT for the relief of Richard Matson.

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to issue to Richard Matson a certificate for one hundred and ninety-one dollars, to be receivable in payment for public lands, which shall be in full satisfaction of his claim for moneys paid by him on the purchase of the southwest and northwest quarters of section number eight, in township number fifty-five, north, and range number five, west of the fifth principal meridian, in the St. Louis land district, in the now State of Missouri: *Provided*, That said Richard Matson shall previously surrender to the Commissioner of the General Land Office the certificates of purchase for the said quarter-sections.

May 7, 1892.

Vol. 6, p. 267.

Certificate for \$191 to be issued, in full satisfaction of his claim.

Proviso.

No. 2490.—AN ACT for the relief of James Brisban and Jonah Lewis.

Be it enacted, &c., That the Secretary of War cause to be issued to James Brisban, a duplicate of land warrant number thirty-two, originally issued to James Hoyt, a Canadian volunteer, and by him subsequently assigned to the said James Brisban, by whom the same has been lost; which said duplicate may be located, and a patent issued thereon, in the manner provided by the act, entitled "An act to regulate the lo-

May 7, 1892.

Vol. 6, p. 372.

Duplicate of land warrant to be issued.

cation of land warrants and the issuing of patents in certain cases," approved March third, eighteen hundred and twenty-one.
 Duplicate of land warrant to be issued. SEC. 2. *And be it further enacted*, That the Secretary of War cause to be issued to Jonah Lewis, a duplicate of land warrant number thirty-four, which issued to him as a Canadian volunteer; which duplicate may be located, and a patent issued, in the manner provided by the act under which the original issued, and the act amendatory thereto, passed the third of March, eighteen hundred and seventeen.

May 7, 1822.
 Vol. 6, p. 278.

No. 2491.—AN ACT for the relief of Sally Vance.

Land warrant to issue to her for bounty land. *Be it enacted, &c.*, That the Secretary of the Department of War be, and he is hereby, directed to issue to Sally Vance a land warrant for the bounty land to which her son, Thaddeus Carby, who died a soldier in the United States' service, would have been entitled had he lived.

May 8, 1822.
 Vol. 6, p. 278.

No. 2492.—AN ACT for the relief of Joshua Cannon, Reuben Hickman, and Fielding Hickman.

Land patents for bounty lands to issue to them, &c. *Be it enacted, &c.*, That the proper officers of the Government be, and they are hereby, authorized and required to issue to Joshua Cannon, Reuben Hickman, and to Fielding Hickman, soldiers in the late war with Great Britain, patents for their bounty lands, of one hundred and sixty acres each, and also to pay to each of them whatever sum may be due for the balance of their pay or bounty.

March 3, 1823.
 Vol. 6, p. 285.

No. 2493.—AN ACT for the relief of Daniel Seward

A certificate to be issued for \$38.66, with interest. *Be it enacted, &c.*, That the Secretary of the Treasury be, and hereby is, authorized and directed to issue to Daniel Seward a certificate for the sum of thirty-eight dollars and sixty-six cents, with interest thereon, at six per centum per annum, from the twenty-ninth day of January, eighteen hundred and fourteen; being the sum, with interest, which was paid by the said Daniel Seward, to the United States, for nineteen acres and one-third of an acre of land, part of a tract granted to him by patent, bearing that date, and which has been since legally adjudged to be the property of another person; which certificate shall be receivable in payment for public lands, and shall be in full satisfaction of his claim for money paid for said nineteen acres and one-third of an acre of land: *Provided*, That said Daniel Seward shall previously make, and file with the Commissioner of the General Land Office, a release to the United States of all right, title, and claim, to the said nineteen acres and one-third of an acre of land. (a)

(a) See No. 2505.

March 3, 1823.
 Vol. 3, p. 781.

No. 2494.—AN ACT further to extend the provisions of the act, entitled "An act supplementary to an act, entitled 'An act for the relief of the purchasers of the public lands prior to the first July, one thousand eight hundred and twenty.'"

The act of April 20, 1822, for the relief of the purchasers of public lands, extended to Sept. 30 next. *Be it enacted, &c.*, That all persons who shall produce satisfactory evidence to the register and receiver of the proper land office, that they were actually entitled to, and would have availed themselves of, the provisions of the act, entitled "An act supplementary to the act, entitled 'An act for the relief of the purchasers of the public lands prior to the first day of July, one thousand eight hundred and twenty,'" approved April twentieth, one thousand eight hundred and twenty-two, and their failure to do so was owing to such cause or circumstance as he [they] could not control or prevent, shall be allowed until the thirtieth day of September next, to avail themselves of all the privileges, advantages and provisions, of the said act, in the same manner they could have done prior to the thirtieth day of September last. (a)

(a) See Nos. 2460, 2461, 2462, 2464, 2465, 2466, 2468, 2485, 2488, 2495, 2500, 2504, 2510, 2512, 2519, 2520, 2531.

No. 2495.—AN ACT to provide for the extinguishment of the debt due to the United States, by the purchasers of public lands. May 18, 1834.
Vol. 4, p. 24.

Be it enacted, &c., That, in all cases where the purchaser, or legal holder, of any certificate of purchase of any of the public lands of the United States, may have obtained a certificate of further credit under the provisions of an act, passed the second day of March, one thousand eight hundred and twenty-one, entitled "An act for the relief of the purchasers of public lands, prior to the first day of July, one thousand eight hundred and twenty," or of the acts supplementary thereto, of the twentieth of April, one thousand eight hundred and twenty-two, and of the third of March, one thousand eight hundred and twenty-three, the person obtaining such certificate, or the legal holder thereof, shall be allowed, at any time prior to the tenth of April, one thousand eight hundred and twenty-five, to file, with the register of the land office, in the district where such land is situated, a relinquishment, in writing, of any section, half-section, quarter-section, or legal subdivision of a fractional section, made according to the provisions of the existing laws, in relation to the survey and sale of the public lands; and any payment made, on any tract of land, so relinquished, shall be applied to the payment of the amount due on any tract retained by said purchaser, or legal holder of a certificate of purchase; which relinquishment shall be allowed only on condition that any such purchaser, or legal holder of a certificate of purchase, relinquish a sufficient quantity of land thereby to complete his or her payments due to the United States, on any lands retained, or pay the balance due, and which may afterwards become due, in money, before or at the time of such relinquishment; and on the payment of such balance in money, there shall be allowed, on the amount so paid, a deduction at the rate of thirty-seven and a half per centum: *Provided*, That nothing herein contained, shall entitle the person making such relinquishment to claim any repayment from the United States, on account of any lands so relinquished: *And provided further*, That nothing herein contained shall authorize any discounts upon payments made by relinquishment.

Where the purchaser or holder of any of the public lands has obtained a certificate of further credit, under the act of March 2, 1821, he shall be allowed to file it with the register of the land office where such land is situated.

proviso.

proviso.

SEC. 2. *And be it further enacted*, That all purchasers, or legal holders of any certificate of purchase, of any of the public lands of the United States, who may have obtained a certificate of further credit, under the provisions of the several acts above mentioned, on making complete payment, previous to the tenth of April, eighteen hundred and twenty-five, of every instalment then due, and which shall afterwards become payable, shall be allowed, upon the amount so paid; a deduction, at the rate of thirty-seven and an half per centum.

A deduction to be made on complete payments.

SEC. 3. *And be it further enacted*, That it shall be the duty of the registers and receivers of the land offices of the United States, immediately after the tenth of April, eighteen hundred and twenty-five, to return complete lists of the lands relinquished to the United States, within their districts; and such lands shall be exposed to sale as other public lands of the United States.

Duty of the registers and receivers.

SEC. 4. *And be it further enacted*, That the register and receiver of any land office, shall be allowed double the fees given them by the act of the second of March, one thousand eight hundred and twenty-one, for like services, to be paid by the person or persons availing themselves of the provisions of this act.

Fees to be allowed them.

SEC. 5. *And be it further enacted*, That the provisions of this act be extended to town lots, and out-lots, reserved for that purposes, and sold by the United States on a credit. (a)

The provisions of this act to extend to town lots, &c.

(a) See Nos. 2460, 2461, 2462, 2464, 2465, 2466, 2468, 2485, 2488, 2494, 2500, 2504, 2510, 2513, 2519, 2526, 2531.

No. 2496.—AN ACT for the relief of Thomas Williams.

May 18, 1834.
Vol. 6, p. 304.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and required, on application, to cause to be issued to Thomas Williams, who was a soldier in Captain Ransom's company of Colonel Dunker's regiment of the American army, in the revolutionary war, a warrant for one hundred acres of land, which may be located on any vacant part of the fifty quarter townships, and fractional townships, reserved by law for the holders of military warrants, and a patent issue, as in other cases.

A warrant for 100 acres of land to be issued to him.

May 19, 1824.
Vol. 6, p. 308.

A warrant for 160 acres of land to be issued to him.

No. 2497.—AN ACT for the relief of Robert S. Foreman.

Be it enacted, &c., That the Secretary of War cause to be issued to Robert S. Foreman, late a private of the thirteenth regiment of United States' Infantry, a warrant for one hundred and sixty acres of land; which may be located as other warrants are, which have been issued in favor of soldiers of the late war.

May 19, 1824.
Vol. 6, p. 308.

Claim to be settled.

Proviso.

No. 2498.—AN ACT for the relief of the legal representatives of Fry and Spalding.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to settle the claim of the legal representatives of John Fry and Samuel Spalding, under three certificates of the Georgia Mississippi Company, numbers one hundred and fifty-nine, three hundred and fifty-seven, and three hundred and fifty-eight; and also, for citizens' rights to four thousand four hundred and ten acres of land in the Georgia Company: *Provided,* That the legal representatives of the said Fry and Spalding, shall previously take and subscribe the oath, and make the transfer and relinquishment to the United States required by the several acts of Congress in such cases made and provided.

May 26, 1824.
Vol. 4, p. 51.

In all cases where the estates of insolvent debtors have been, or shall be, assigned to the United States under the act of June 6, 1798, the agent of the Treasury is authorized to sell same.

United States may become the purchaser of lands or tenements of a debtor, when sold at their suit.

Proviso.

No. 2499.—AN ACT to provide for the sale of lands conveyed to the United States in certain cases, and for other purposes.

Be it enacted, &c., That the agent of the Treasury be, and he hereby is, authorized, in all cases where the estates of insolvent debtors have been, or hereafter shall be, assigned to the United States, under the act of the sixth June, seventeen hundred and ninety-eight, entitled "An act providing for the discharge of persons imprisoned for debts due to the United States, to sell such estates, whether real or personal, at such time, and in such manner, as, with the approbation of the Secretary of the Treasury, he shall think fit, for the best price that can be had therefor, and to make all needful conveyances, assignments, or transfers, of the same, to the purchaser or purchasers.

SEC. 2. *And be it further enacted,* That, at any and every sale, on executions, at the suit of the United States, of lands or tenements of a debtor, it shall be lawful for the United States, by such agent as the agent of the Treasury shall appoint, to become the purchaser of such lands and tenements: *Provided,* That in no case shall such agent bid in behalf of the United States for a greater amount than that of the judgment for which such estate may be exposed to sale, and the costs; and it shall be the duty of the marshal of the district in which such sale shall be held, in case such purchases shall be made, to make all needful conveyances, assignments, transfers, to the United States; and the agent of the Treasury is hereby authorized, with the approbation of the Secretary of the Treasury, to sell and convey the said lands and tenements in the same manner as is directed by the first section of this act, in respect to lands and tenements assigned by insolvent debtors.

SEC. 3. *And be it further enacted,* That nothing herein contained, shall be deemed or construed to take away or impair any other remedy which the United States may be now entitled to have against the person or property of debtors, to enforce the satisfaction of judgments obtained, or which may hereafter be obtained. (a)

(a) See No. 2512.

May 26, 1824.
Vol. 4, p. 60.

The benefits, &c., of the act of May 18, 1824, extended to those who have obtained certificates of further credit for any quantity of land.

No. 2500.—AN ACT explanatory of an act, entitled An act to provide for the extinguishment of the debt due to the United States by the purchasers of public lands, approved on the eighteenth day of May, one thousand eight hundred and twenty-four.

Be it enacted, &c., That the benefits and privileges of the act of Congress, entitled "An act to provide for the extinguishment of the debt due to the United States, by the purchasers of public lands," approved on the eighteenth day of May, one thousand eight hundred and twenty-four, of which this act is explanatory, be extended to those persons who have obtained certificates of further credit, for any half quarter-section, or for any fractional section of land, under the provisions of any of the several laws for the relief of purchasers of public lands, referred to in the said act, of which this is explanatory.

SEC. 2. *And be it further enacted*, That all relinquishments of land, which shall be executed under the provisions of the said act of the eighteenth day of May, one thousand eight hundred and twenty-four, or under the provisions of this act, shall be filed with the register of the land office at which the land was purchased, anything in the said act of the eighteenth of May, one thousand eight hundred and twenty-four, of which this is explanatory, to the contrary notwithstanding. (a)

(a) See Nos. 2460, 2461, 2462, 2464, 2465, 2466, 2468, 2485, 2488, 2494, 2495, 2504, 2510, 2513, 2519, 2526, 2531.

No. 2501.—AN ACT for the relief of Francis Wright, son, and other heirs of Francis Wright, deceased.

March 3, 1825.
Vol. 6, p. 329.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to issue to Francis Wright, son, and other heirs of Francis Wright, deceased, a military land-warrant for one hundred acres of land for revolutionary services of the deceased, in lieu of a warrant for the same quantity of land which had been issued to the said Francis Wright, son, and other heirs of Francis Wright, in February, one thousand eight hundred and twenty-four, and which is proven to have been lost before the same was located.

A land warrant of 100 acres to be issued to them.

No. 2502.—AN ACT for the relief of Rachael McClure.

March 3, 1825.
Vol. 6, p. 335.

Be it enacted, &c., That the proper accounting officers of the Treasury Department settle the account of William McClure, deceased, late a soldier in the United States' Army, for balance of bounty and monthly pay due him at the time of his discharge; and that the same be paid to Rachael McClure, widow of said William, and administratrix of his estate, out of any money in the Treasury not otherwise appropriated.

SEC. 2. *And be it further enacted*, That the Secretary of War issue a warrant to the heirs of said William McClure, for the bounty land to which their father was entitled by his enlistment and service in the Army of the United States.

Accounts of W. McClure to be settled, &c.

Secretary of War to issue a warrant to his heirs.

No. 2503.—AN ACT for the benefit of the incorporated Kentucky Asylum, for teaching the deaf and dumb.

April 5, 1826.
Vol. 6, p. 339.

Be it enacted, &c., That there be granted to the incorporated Kentucky Asylum for teaching the deaf and dumb, one township of land, excepting section numbered sixteen, for the use of schools therein, to be located under the direction of the Secretary of the Treasury; which lands shall be, and for ever remain, to the use of said asylum, for the education of indigent deaf and dumb persons; or, if said asylum shall sell said land, which it is authorized to do, the money arising from such sale shall be, and remain forever, to the same use: And it shall be the duty of the said corporation to sell the said lands within five years from the passage of this act, and the same shall be located in one of the Territories, on lands to which the Indian title has been extinguished. (a)

Grant of land to the Kentucky Asylum.

(a) See Nos. 2508, 2520, 2533, 2558, 2593, 2595, 2604, 2620, 2626, 2637.

No. 2504.—AN ACT making further provision for the extinguishment of the debt due to the United States, by the purchasers of public lands.

May 4, 1826.
Vol. 4, p. 158.

Be it enacted, &c., That the provisions of the act, entitled "An act to provide for the extinguishment of the debt due to the United States by the purchasers of public lands," approved May the eighteenth, one thousand eight hundred and twenty-four, and the provisions of the act, entitled "An act explanatory of an act entitled an act to provide for the extinguishment of the debt due to the United States by the purchasers of public lands," approved May the twenty-sixth, one thousand eight hundred and twenty-four, be, and the same are hereby, severally revived and continued in force, in all respects whatsoever, until the fourth day of July, one thousand eight hundred and twenty-seven.

SEC. 2. *And be it further enacted*, That the legal holder of any certificate of lands purchased from the United States, which land has reverted by virtue of the provisions of the act of the second of March, eighteen hundred and twenty-one, or the several acts supplementary

The provisions of the act of May 13, 1824, and the act explanatory thereof, May 26, 1824, revived and continued in force until July 4, 1827.

Lands forfeited under the acts of March 2, 1821, April 20, 1822, and May 10, 1820,

may be redeemed.

thereto; or which, by virtue of the fifth section of the act of tenth of May, one thousand eight hundred, is subject to be sold for the balance due thereon, with interest, or which, under the provisions of the said act, has become forfeited to the United States, since the first day of July, eighteen hundred and twenty, and which has not been sold, shall be permitted to redeem the same at any time previous to the first day of May, one thousand eight hundred and twenty-seven, on paying the amount of the purchase money due, exclusive of interest, with a deduction of thirty-seven and a half per cent.

If the legal holder of any certificate shall, prior to July 1, 1827, discharge the amount due thereon, he is entitled to a remission of interest due at the day of such discharge, &c.

SEC. 3. *And be it further enacted*, That if the legal holder of any certificate of further credit extended to purchasers of public lands by the act of the second of March, eighteen hundred and twenty-one, entitled "An act for the relief of the purchasers of public lands, prior to the first day of July, eighteen hundred and twenty," shall, previous to the fourth day of July, eighteen hundred and twenty-seven, discharge the amount due on such certificate, by relinquishment, or payment, or both, such holder shall be entitled to a remission of all interest due thereon at the day of such discharge, together with a deduction of thirty-seven and a half per cent. on the amount actually paid in cash. (a)

(a) See Nos. 2460, 2461, 2462, 2464, 2465, 2466, 2468, 2485, 2488, 2494, 2495, 2500, 2510, 2513, 2519, 2524, 2531.

May 20, 1826.
Vol. 6, p. 347.

No. 2505.—AN ACT supplementary to the act, entitled "An act for the relief of Daniel Seward."

Certificate for \$116 to be issued to him.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue to Daniel Seward, (in addition to the certificate heretofore issued, under the act of March third, eighteen hundred and twenty-three, to which this act is supplementary,) a certificate for one hundred and sixteen dollars; with interest thereon at the rate of six per centum per annum, from the twenty-ninth of January, eighteen hundred and fourteen, being the sum which, with the sum of thirty-eight dollars and sixty-six cents, allowed by that act, was paid by the said Daniel Seward, for the tract of nineteen acres and one-third of an acre of land, mentioned in that act to have been sold and conveyed by the United [States] to him, and afterwards legally adjudged to be the property of another person, which certificate, with the interest thereon, shall be receivable in payment for public lands, and shall be in full satisfaction of the claim of the said Daniel Seward, for the sum paid by him for said tract of land. (a)

(a) See No. 2493.

May 20, 1826.
Vol. 6, p. 349.

No. 2506.—AN ACT for the relief of Sarah Venable and Jane Morgan.

Bounty land to which Peter Woosely is entitled, vested in Sarah Venable, &c.

Proviso.

Be it enacted, &c., That the bounty land which Peter Woosely, alias Oosely, a deceased soldier, is, or was entitled to, be, and the same is hereby, declared to be vested in Sarah Venable, to whom it was devised by the last will of the said Peter; and that such arrearages of pay, pension, and clothing, as may be found due to him, be paid to Jane Morgan, formerly Jane Venable, to whom he devised it, out of any money in the Treasury not otherwise appropriated: *Provided*, That nothing in this act shall affect the right or claim of the heirs of the said Peter, should they be able in any court to assert their claim, and show that said devises are insufficient in law, and of none effect.

May 20, 1826.
Vol. 6, p. 350.

No. 2507.—AN ACT for the relief of Daniel Davis.

Land warrant to be issued.

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to issue to Daniel Davis, a soldier of the revolutionary army, a land warrant for one hundred acres of land, which warrant, when issued, shall be located on any unlocated land in the manner and within the time provided by law for other military warrants issued for services in the revolutionary army, and a patent shall be granted thereon, as in other cases.

No. 2508.—AN ACT to provide for the location of the two townships of land reserved for a seminary of learning in the Territory of Florida, and to complete the location of the grant to the Deaf and Dumb Asylum of Kentucky.

Jan. 29, 1837.
Vol. 4, p. 201.

SEC 3. *And be it further enacted,* That the incorporated Deaf and Dumb Asylum of Kentucky shall have the power, under the direction of the Secretary of the Treasury, of locating so much of the township of land granted to the said institution, as has been taken by the claims of those who are entitled to the right of pre-emption in the Territory of Florida, under the provisions of the act aforesaid; which shall be located in sections upon any unappropriated and unreserved lands in either of the Territories of Florida or Arkansas; which said tracts, when so located, shall be disposed of by the corporation of said Deaf and Dumb Asylum, agreeably to the provisions of an act passed the fifth of April, one thousand eight hundred and twenty-six, entitled "An act for the benefit of the incorporated Deaf and Dumb Asylum of Kentucky." (a)

Location of the grant to the Deaf and Dumb Asylum of Kentucky.

(a) See Nos. 2503, 2520, 2533, 2558, 2593, 2595, 2604, 2620, 2626, 2657.

No. 2509.—AN ACT for the relief of Jacob Shafer.

March 2, 1837.
Vol. 6, p. 359.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and required to cause to be issued to Jacob Shafer, late a corporal in the twentieth regiment of infantry, a warrant for one hundred and sixty acres of land, which may be located as other warrants are, which have been granted to soldiers of the late war, in lieu of his own bounty land, which he surrendered at the time of his discharge; and not by virtue of the assignment of John Sharp's discharge.

A warrant for land to be issued to him.

No. 2510.—AN ACT to revive and continue in force the several acts making provision for the extinguishment of the debt due to the United States by the purchasers of the public lands.

March 21, 1838.
Vol. 4, p. 259.

Be it enacted, &c., That the act, entitled "An act to provide for the extinguishment of the debt due to the United States by the purchasers of public lands," approved May the eighteenth, one thousand eight hundred and twenty-four, and the act, entitled "An act explanatory of an act to provide for the extinguishment of the debt due to the United States by the purchasers of public lands," approved May the twenty-sixth, one thousand eight hundred and twenty-four; and also the act, entitled "An act making further provision for the extinguishment of the debt due to the United States by the purchasers of public lands," approved May the fourth, one thousand eight hundred and twenty-six, be, and the same are hereby, revived and continued in force until the fourth day of July, one thousand eight hundred and twenty-nine.

Act of May 18, 1834, and explanatory act of May 26, 1834, continued until July 4, 1839.

SEC. 2. *And be it further enacted,* That the provisions of this act be, and the same are hereby, extended to all lands on which a further credit has not been taken, and which, having become forfeited to the United States since the first of July, one thousand eight hundred and twenty, remain unsold. (a)

The provisions of this act extended to all lands.

(a) See Nos. 2460, 2461, 2462, 2464, 2465, 2466, 2468, 2485, 2488, 2494, 2495, 2500, 2504, 2513, 2519, 2526, 2631.

No. 2511.—AN ACT for the relief of Thomas Flowers, and the legal representatives of John Kingsbury.

April 17, 1838.
Vol. 6, p. 374.

Be it enacted, &c., That the Secretary for the Department of War be, and he is hereby, authorized and directed to issue a duplicate military bounty-land warrant to Thomas Flowers, a revolutionary soldier of the Pennsylvania line, for one hundred acres of land, numbered one thousand two hundred and one, the original warrant having been lost or mislaid: And a duplicate military bounty-land warrant to the legal representatives of the late Captain John Kingsbury, of the North Carolina line, in the revolutionary war, for three hundred acres of land, number one thousand two hundred and eight, the original having been accidentally consumed by fire.

Duplicate military bounty-land warrants to be issued to them.

April 28, 1828.
Vol. 4, p. 264.

In all cases where lands have been sold, or conveyed to, or for, the United States, for forts, &c., not used, &c., to be sold.

The President authorized to procure the assent of the legislature of any State within which any purchase of land has been made for the erection of forts, &c.

Where lands have been conveyed for the United States, to individuals, a release of their interest to be obtained.

No. 2512.—AN ACT in addition to the act, entitled "An act to provide for the sale of lands, conveyed to the United States, in certain cases, and for other purposes," passed the twenty-sixth day of May, eighteen hundred and twenty-four.

Be it enacted, &c., That in all cases where lands have been, or shall hereafter be, conveyed to, or for, the United States, for forts, arsenals, dock-yards, light-houses, or any like purpose, or in payment of debts due the United States, which shall not be used, or necessary for the purposes for which they were purchased, or other authorized purpose, it shall be lawful for the President of the United States to cause the same to be sold for the best price to be obtained, and to convey the same to the purchaser by grant or otherwise.

SEC. 2. *And be it further enacted,* That the President of the United States be authorized to procure the assent of the legislature of any State, within which any purchase of land has been made, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings, without such consent having been obtained; and also to obtain exclusive legislation over any such tract as is provided for in the sixteenth clause of the eighth section of the first article of the Constitution; and that he be authorized to procure the like consent and exclusive legislation as to all future purchases of land for either of those purposes.

SEC. 3. *And be it further enacted,* That the President of the United States, in all cases where lands have been conveyed for the United States to individuals or officers, be authorized to obtain from the person or persons to whom the conveyance has been made, a release of their interest to the United States. (a)

(a) See No. 2499.

May 23, 1828.
Vol. 4, p. 266.

Where public lands have been purchased, on which a further credit has not been taken under the act of March 2, 1821, and have reverted, or are liable to revert to the United States, for failure to pay the purchase money.

Fees.

Duty of the Commissioner of the General Land Office to prescribe the form of such certificates.

Fees.

Certificates, when received in payment for lands, shall be entered in the books of the land office where received, and transmitted to the General Land Office.

Lands sold at New York or Pittsburg, &c.

No. 2513.—AN ACT for the relief of purchasers of the public lands that have reverted for non-payment of the purchase money.

Be it enacted, &c., That, in all cases where public lands have been purchased, on which a further credit has not been taken under the provisions of the act of the second of March, one thousand eight hundred and twenty-one, and have reverted, or are liable to revert, to the United States, for failure to pay the purchase money, or have been sold by the United States by reason of such failure to pay, and in all cases where one-twentieth of the purchase money shall have been deposited and forfeited to the United States, it shall be the duty of the register of the land office, where the purchase or deposit was made, to issue, upon application, to the person, or persons, legally entitled to the benefit of the payments made previous to such reversion or sale, his, her, or their legal representatives, or assigns, a certificate for the amount so paid, and not refunded, which shall be received and credited as cash in payment of any public land that has been heretofore, or may hereafter be, sold by the United States, in the State or Territory in which such original purchase or deposit was made.

SEC. 2. *And be it further enacted,* That it shall be the duty of the Commissioner of the General Land Office to prescribe the form of such certificates, which shall, in every case, specify the tract or tracts of land so reverted or sold, the amount paid, date of payments, and by whom made; and it shall be the duty of the register issuing such certificates, to keep a record of the same, and to forward to the General Land Office, at the close of each month, an abstract of the certificates issued during the month; and for each certificate, the officer issuing the same shall be entitled to receive, from the applicant, the sum of fifty cents.

SEC. 3. *And be it further enacted,* That the said certificates, when received in payment for lands, shall be entered in the books of the land office, where received, and transmitted with the accounts of the receiver of the public moneys, to the General Land Office, in such manner as the Commissioner of said office shall prescribe; and if, upon comparison of the original with the returns from the office whence any certificate issued, it shall appear to the satisfaction of the said Commissioner, that such certificate has been issued and duly paid, according to the true intent and meaning of this act, the same shall be passed to the credit of the person paying the same as so much cash.

SEC. 4. *And be it further enacted,* That, for any moneys forfeited, on lands sold at New York or Pittsburg, the certificate shall be issued by the Secretary of the Treasury; which certificate shall be received in payment for lands at any of the land offices of the United States, as the certificates issued in conformity to the foregoing provisions of this act are made receivable.

SEC. 5. *And be it further enacted*, That, in no case, shall a certificate be issued to any person, except to the person who originally forfeited the lands, or to his heir or heirs; nor shall a grant issue, or the lands purchased with any scrip be transferred, until six months after the certificate shall have been deposited in the office. Certificates not to be issued to any person, except, &c.

SEC. 6. *And be it further enacted*, That, if any tract of land returned as sold to the General Land Office, shall have been paid for in forged or altered certificates, such sale shall be void, and the land subject to be sold again, at public or private sale, as the case may be; and in case any such forged or altered certificate shall be received upon any debt for land heretofore sold, or in part payment of any tract of land that may be hereafter sold, it shall be the duty of the Commissioner of the General Land Office, by advertisement, or in such other manner as he shall direct, to give notice thereof to the person making such payment; and if, within six months after notice, such person shall not pay into the proper land office the amount so falsely paid, the tract of land upon which such payment was made, shall, with all money actually paid thereon, be forfeited to the United States. Where any tract of land returned as sold to the General Land Office shall have been paid for in forged or altered certificates.

SEC. 7. *And be it further enacted*, That, where two or more persons have become purchasers of a section or fractional section, the register of the land office for the district in which the lands lie, shall on application of the parties, and a surrender of the original certificate, issue separate certificates, of the same date with the original, to each of the purchasers, or their assignees, in conformity with the division agreed on by them: *Provided*, That, in no case, shall the fractions so purchased be divided by other than north, and south, or east and west lines; nor shall any certificate issue for less than eighty acres. (a) Where two or more persons become the purchaser or purchasers of a section or fractional section.
Proviso.

(a) See Nos. 2460, 2461, 2462, 2464, 2465, 2466, 2468, 2485, 2486, 2494, 2495, 2500, 2504, 2510, 2519, 2526, 2531.

No. 2514.—AN ACT for the relief of the legal representatives of Merriwether Lewis.

May 23, 1828.
Vol. 6, p. 360.

Be it enacted, &c., That the act approved the third day of March, one thousand eight hundred and seven, entitled "An act making compensation to Messrs. Lewis and Clarke, and their companions," be, and the same is, hereby so extended, as to allow to the legal representatives of Merriwether Lewis, deceased, the right of entering any of the public lands of the United States, subject to entry at private sale, to the amount of the residue of the warrant of sixteen hundred acres, issued to said Lewis by virtue of said act, which has not heretofore been satisfied, or of applying the same in payment for any public lands, in the same manner, and at the same rate prescribed by said act. (a)

Act of March 3, 1807, making compensation to Messrs. Lewis and Clarke, extended to the heirs of M. Lewis.

(a) See Nos. 2459, 2467, 2552.

No. 2515.—AN ACT for the benefit of Andrew Westbrook.

May 23, 1828.
Vol. 6, p. 380.

Be it enacted, &c., That a patent or patents shall issue to Andrew Westbrook, formerly of the province of Upper Canada, but now a citizen of the United States, for a quantity of land equal to two sections of land, which may be located according to any of the legal subdivisions of the public lands, on any of the unappropriated lands of the United States, which have been hitherto offered for sale; and which are now subject to entry at private sale.

A patent or patents for land to be issued.

No. 2516.—AN ACT for the relief of Allan B. M'Alhany.

May 24, 1828.
Vol. 6, p. 386.

Be it enacted, &c., That the Secretary of War be authorized, and he is hereby required, to cause to be issued, in favor of Allan B. M'Alhany, who served as a private in the Seventh Regiment United States Infantry, during the late war, a military bounty-land warrant.

A military bounty-land warrant to issue.

No. 2517.—AN ACT for the relief of the heirs of John Gwyn.

March 2, 1829.
Vol. 6, p. 397.

Be it enacted, &c., That the Secretary of War be, and he hereby is, directed to issue to the heirs of John Gwyn, deceased, late a soldier of the revolutionary army, a land warrant for one hundred acres of land; which warrant, when issued, shall be located on any unlocated land, in the manner, and within the time, provided by law for other military warrants for services in the revolutionary army; and a patent shall be granted thereon as in other cases.

Land warrant to be issued to them.

Feb. 11, 1830.
Vol. 6, p. 405.

Bounty-land warrant to issue to him.

All arrears due him to be paid.

No. 2518.—AN ACT for the relief of William Jacocks.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to issue a warrant, for his military bounty land, to William Jacocks, who, during the late war, enlisted for five years, as a musician, in a company of bombardiers, sappers, and miners, and who, after having served the period of his enlistment, was honorably discharged.

SEC. 2. *And be it further enacted,* That the proper accounting officers of the Department of War do pay to the said William Jacocks all the arrears of pay, of gratuity, allowed by the United States to soldiers honorably discharged, and of commutation for clothing, which may appear to be due and owing to him.

March 31, 1830.
Vol. 4, p. 390.

No. 2519.—AN ACT for the relief of the purchasers of public lands, and for the suppression of fraudulent practices at the public sales of the lands of the United States.

Lands which have reverted to United States under relief laws may be redeemed in either of the three following ways:

1. Pre-emption until July 30, 1831, at minimum price of public lands, in addition to amount already paid.

Proviso: entire price not to exceed \$3.50.

2. Payment before July 4, 1831, of 62½ per cent. on the balance due.

3. Where the price did not exceed \$2.50 purchasers may, within nine months, draw scrip for the amount paid, in manner prescribed in act of May 23, 1828.

Where lands relinquished under relief laws (the sum paid having been applied in payment of other lands) remain in possession of the relinquishers; or where such relinquished lands remain in possession of persons (or of persons holding under these) who transferred the certificate of purchase and part payment of those lands, to another person by whom said part payment was applied in payment of land held in his own name; in either case the persons so in pos-

Be it enacted, &c., That all purchasers, their heirs or assignees, of such of the public lands of the United States as were sold on a credit, and on which a further credit has been taken, under any of the laws passed for the relief of purchasers of public lands, and which lands have reverted to the United States, on account of the balance due thereon not having been paid or discharged agreeably to said relief laws, such persons may avail themselves of any one of the three following provisions contained in this section, to wit: (a) First, They shall have a right of pre-emption of the same lands, until the fourth day of July, one thousand eight hundred and thirty-one, upon their paying into the proper office the sum per acre therefor, which shall, at the time of payment, be the minimum price per acre of the public lands of the United States, in addition to the amount heretofore paid thereon, and forfeited: *Provided,* That the price, including what has already been paid, and the amount to be paid, shall not, in any case, exceed three dollars and fifty cents per acre: (b) Second, they shall have the right of completing the payment of said lands, by paying the balance of the principal debt due thereon, in cash, subject to a deduction of thirty-seven and a half per cent. as heretofore, at any time previous to the fourth day of July, one thousand eight hundred and thirty-one: Third, They shall have the right, within nine months from the passage of this act, in all cases where the price for which said lands were sold did not exceed two dollars and fifty cents per acre, to draw scrip for the amount paid thereon, in the manner prescribed in the act, approved the twenty-third day of May, one thousand eight hundred and twenty-eight, entitled "An act for the relief of purchasers of public lands that have reverted for non-payment of the purchase money;" and which scrip shall be receivable in the same manner as directed by said act, except only that it shall not be taken in payment for lands hereafter bought at public sale.

SEC. 2. *And be it further enacted,* That all purchasers, their heirs, or assignees, of such of the public lands of the United States as were sold on credit, and which lands have, by such persons, been relinquished under any of the laws passed for the relief of purchasers of public lands, and the amount paid thereon applied in payment of other lands retained by them, and which relinquished lands, or any part thereof, may now be in possession of such persons; or in case of certificate of purchase, and part payment of said lands, has been transferred by the persons now in possession of said lands, or part thereof, or the persons under whom the present occupants may hold such possession, to some other person not in possession thereof, and the payment made thereon applied by such other person, or his assignee, in payment for land held in his own name: in either case, the persons so in possession, shall have the right of pre-emption of the same lands, according to the legal subdivisions of sections, not exceeding the quantity of two quarter-sections, in contiguous tracts, until the fourth day of July, one thousand eight hundred and thirty-one, upon their paying into the proper office, the sum per acre therefor, which shall, at the time of payment, be the minimum price per acre of the United States' public lands; and in addition thereto, the same amount per acre heretofore paid thereon, and applied to other lands, subject to a deduction of thirty-seven and a half per cent. on the last-mentioned sum: *Provided,* That the sum to be paid shall not, in any case, exceed three dollars and fifty cents per acre: *Provided also,* That such persons only shall be entitled to the benefits of this section, who shall apply for the

same, and prove their possession, to the satisfaction of the register and receiver of the district in which the land may lie, in the manner to be prescribed by the Commissioner of the General Land Office, within nine months from the passage of this act; for which, such register and receiver shall each be entitled to receive from such applicants, the sum of fifty cents each; *And provided further*, That the provisions of this section shall not extend to any lands that have, in any manner, been disposed of by the United States.

SEC. 3. *And be it further enacted*, That, on failure to apply for, and show a right of pre-emption, under the second section of this act, within the time allowed therefor; and also on failure to complete the payment on any of the lands, agreeably to the provisions of this act, within the period allowed for that purpose, in either case, the whole of such lands shall be forthwith offered for sale without delay.

SEC. 4. *And be it further enacted*, That if any person or persons shall, before or at the time of the public sale of any of the lands of the United States, bargain, contract or agree, or shall attempt to bargain, contract, or agree with any other person or persons, that the last-named person or persons, shall not bid upon, or purchase the land so offered for sale, or any parcel thereof, or shall by intimidation, combination, or unfair management, hinder or prevent, or attempt to hinder or prevent any person or persons from bidding upon or purchasing any tract or tracts of land so offered for sale, every such offender, his, her, or their aiders and abettors, being thereof duly convicted, shall, for every such offence, be fined not exceeding one thousand dollars, or imprisoned not exceeding two years, or both in the discretion of the court.

SEC. 5. *And be it further enacted*, That if any person or persons, shall, before, or at the time of the public sale of any of the lands of the United States, enter into any contract, bargain, agreement, or secret understanding with any other person or persons, proposing to purchase such land, to pay or give to such purchasers for such land, a sum of money, or other article or property, over and above the price at which the land may or shall be bid off by such purchasers, every such contract, bargain, agreement, or secret understanding, and every bond, obligation, or writing of any kind whatsoever founded upon, or growing out of the same, shall be utterly null and void. And any person or persons being a party to such contract, bargain, agreement, or secret understanding, who shall or may pay to such purchasers, any sum of money or other article of property, as aforesaid, over and above the purchase money of such land, may sue for, and recover such excess from such purchasers in any court having jurisdiction of the same. And if the party aggrieved, have no legal evidence of such contract, bargain, agreement, or secret understanding, or of the payment of the excess aforesaid, he may, by bill in equity, compel such purchasers to make discovery thereof; and if in such case, the complainant shall ask for relief, the court in which the bill is pending, may proceed to final decree between the parties to the same; *Provided*, Every such suit either in law or equity shall be commenced within six years next, after the sale of said land by the United States.

(a) See Nos. 2460, 2461, 2462, 2464, 2465, 2466, 2468, 2465, 2468, 2484, 2495, 2500, 2504, 2510, 2513, 2516, 2531

(b) See Nos. 2460, 2471, 2475, 2519, 2522, 2526, 2527, 2529, 2535, 2539, 2543, 2535, 2560, 2592, 2601, 2614.

No. 2520.—AN ACT to amend an act, entitled "An act for the benefit of the incorporated Kentucky Asylum for teaching the deaf and dumb," and to extend the time for selling the land granted by said act.

May 5, 1830.
Vol. 6, p. 416.

Be it enacted, &c., That the further time of five years, from and after the fifth of April, one thousand eight hundred and thirty one, be, and the same is hereby, allowed the trustees of the Centre College of Kentucky, who are also trustees of the Kentucky Asylum for teaching the deaf and dumb, to sell the land granted to said trustees for the use and benefit of said asylum, by an act, entitled "An act for the benefit of the incorporated Kentucky Asylum for teaching the deaf and dumb," passed on the fifth of April, one thousand eight hundred and twenty-six; and all sales under the provisions of this act, by the trustees aforesaid, or their successors in office, for use of the said asylum, shall be good and valid to pass the title, any thing in any former law to the contrary notwithstanding. (a)

(a) See Nos. 2503, 2504, 2553, 2558, 2593, 2595, 2604, 2620, 2626, 2657.

Further time allowed for the sale of certain lands.

May 28, 1830.
Vol. 6, p. 430.

Bounty-land
warrant to be is-
sued.

No. 2521.—AN ACT for the relief of Judah Alden.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to issue a duplicate military bounty-land warrant to Judah Alden, a captain in the second Massachusetts regiment, in the army of the Revolution, for three hundred acres of land; the original warrant, number twelve, having been lost or mislaid.

May 29, 1830.
Vol. 4, p. 420.

Certain set-
tlers may enter
quarter-sections.

Proviso.

Where two or
more settlers.

Proof of settle-
ment.

Act not to de-
lay sales of pub-
lic lands; nor to
be available to
persons failing to
make proof, &c.;
nor to extend to
reserved lands.

Limitation of
act.

No. 2522.—AN ACT to grant pre-emption rights to settlers on the public lands.

Be it enacted, &c., That every settler or occupant of the public lands, prior to the passage of this act, who is now in possession, and cultivated any part thereof in the year one thousand eight hundred and twenty-nine, shall be, and he is hereby, authorized to enter, with the register of the land office, for the district in which such lands may lie, by legal subdivisions, any number of acres, not more than one hundred and sixty or a quarter-section, to include his improvement, upon paying to the United States the then minimum price of said land: *Provided, however,* That no entry or sale of any land shall be made, under the provisions of this act, which shall have been reserved for the use of the United States, or either of the several States, in which any of the public lands may be situated.

SEC. 2. And be it further enacted, That if two or more persons be settled upon the same quarter-section, the same may be divided between the two first actual settlers, if, by a north and south, or east and west line, the settlement or improvement of each can be included in a half quarter-section; and in such case the said settlers shall each be entitled to a pre-emption of eighty acres of land elsewhere in said land district, so as not to interfere with other settlers having a right of preference.

SEC. 3. And be it further enacted, That prior to any entries being made under the privileges given by this act, proof of settlement or improvement shall be made to the satisfaction of the register and receiver of the land district in which such lands may lie, agreeably to the rules to be prescribed by the Commissioner of the General Land Office for that purpose, which register and receiver shall each be entitled to receive fifty cents for his services therein. And that all assignments and transfers of the right of pre-emption given by this act, prior to the issuance of patents, shall be null and void.

SEC. 4. And be it further enacted, That this act shall not delay the sale of any of the public lands of the United States, beyond the time which has been, or may be, appointed, for that purpose, by the President's proclamation; nor shall any of the provisions of this act be available to any person, or persons, who shall fail to make the proof and payment required before the day appointed for the commencement of the sales of lands including the tract, or tracts, on which the right of pre-emption is claimed; nor shall the right of pre-emption, contemplated by this act, extend to any land, which is reserved from sale by act of Congress, or by order of the President, or which may have been appropriated, for any purpose whatsoever.

SEC. 5. And be it further enacted, That this act shall be and remain in force, for one year from and after its passage. (a)

(a) See Nos. 2469, 2471, 2473, 2519, 2526, 2527, 2529, 2533, 2539, 2543, 2555, 2560, 2592, 2611, 2614.

May 29, 1830.
Vol. 6, p. 437.

Bounty-land
warrant to be is-
sued.

No. 2523.—AN ACT for the relief of Sarah Easton and Dorothy Storer, children and heirs at law of Lieutenant-Colonel Robert Hanson Harrison, deceased.

SEC. 2. And be it further enacted, That the Secretary of War be, and he is hereby, authorized, directed and required to issue to the said Sarah and Dorothy, and in their names, a land warrant for four hundred and fifty acres of military bounty land, as, and for the lands to which the said Robert Hanson Harrison, was, while in full life, entitled, for and on account of the services by him so as aforesaid rendered; and that the same may be located on any vacant or unlocated lands heretofore appropriated by Congress for said purposes.

No. 2524.—AN ACT for the relief of John Reily.May 31, 1830.
Vol. 6, p. 448.

Be it enacted, &c., That there shall be granted to John Reily one thousand acres of land, in full satisfaction of a land warrant, issued by the State of Georgia on the twenty-second day of December, seventeen hundred and eighty-five, for one thousand acres of land, to be located within the district ceded by the said State of Georgia to the United States. And the said John Reily is hereby authorized to locate the said quantity of land, by legal subdivisions, as near as may be, on any lands now offered for sale by the United States, at the minimum price. And the President of the United States is hereby authorized to cause patents to issue to the said John Reily, for the land so to be located, on producing the certificate of the register of the land office, as in other cases.

Grant of 1,000
acres of land.**No. 2525.—AN ACT for the relief of Matthias Roll and William Jackson.**Feb. 3, 1831.
Vol. 6, p. 452.

Be it enacted, &c., That the Secretary of War cause to be issued to Matthias Roll, a private in the New Jersey line, in the revolutionary war, a duplicate of military bounty-land warrant, number one thousand one hundred and sixty-four, for one hundred acres of land, which issued to Matthew, alias Matthias Roll, the twenty-third day of February, one thousand eight hundred and twenty-six, and which has been lost. And the said Matthias Roll shall have the said duplicate located and proceeded upon, in the same manner as if it were an original warrant; and the said original warrant is hereby declared null and void.

Duplicate of
military bounty-
land warrant to
be issued to M.
Roll.

SEC. 2. *And be it further enacted,* That the Secretary of War cause to be issued to William Jackson, a private in the Virginia line in the revolutionary war, a duplicate of military bounty-land warrant, number one thousand and thirty-six, for one hundred acres of land, which issued to said William Jackson on the thirteenth day of April, eighteen hundred and twenty-two, and which has been lost; and that said William Jackson shall have all the rights under said duplicate that he could or might have under the original warrant; and the said original warrant is hereby declared null and void.

Also, to Wm.
Jackson.**No. 2526.—AN ACT supplemental to an act, passed on the thirty-first March, one thousand eight hundred and thirty, entitled "An act for the relief of purchasers of public lands, and for the suppression of fraudulent practices at the public sales of lands of the United States."**Feb. 25, 1831.
Vol. 4, p. 445.

Be it enacted, &c., That all purchasers, their heirs or assignees of such of the public lands as were sold on a credit for a less price than fourteen dollars per acre, and on which a further credit has been taken under any of the laws passed for the relief of purchasers of public lands, and which lands have reverted to the United States on account of the balance due thereon not having been paid or discharged, agreeably to said relief laws, shall be entitled to patents, without further payment, in all instances where one dollar and twenty-five cents, or a greater sum, per acre, shall have been paid; (a) or where payment to that amount shall not have been heretofore made, such purchasers, their heirs or assignees, shall have the right of pre-emption until the fourth day of July, one thousand eight hundred and thirty-one, by paying into the proper land office such sum in addition to the amount heretofore paid, as will, together, amount to the minimum price of the lands of the United States at the time of such payment.

Certain pur-
chasers entitled,
in certain cases,
to patents.In other cases
to pre-emption.

SEC. 2. *And be it further enacted,* That all such occupants of relinquished land as are contemplated and described in the second section of the above-recited act, to which this is a supplement, as are in possession of land which was sold on credit for a less sum than fourteen dollars per acre, shall have the right of pre-emption of the same lands, according to the legal subdivisions of sections, not exceeding the quantity of two quarter-sections, in contiguous tracts or contiguous to other lands held by such occupants respectively, until the fourth day of July, one thousand eight hundred and thirty-one, upon their paying into a proper office for all land originally sold for a price not exceeding five dollars per acre, one dollar and twenty-five cents per acre; and for all lands which originally sold for more than five dollars, and not exceeding

Certain occu-
pants to have pre-
emption until
July 4, 1831.

Prices.

- fourteen dollars per acre, the amount of the first instalment heretofore paid; such occupants first proving their possession, respectively in conformity to the provisions of the said act, to which this is a supplement, in the manner which has been prescribed by the Commissioner of the General Land Office, pursuant to the provisions thereof: *Provided, however*, That in all cases where proof of possession has been already made under said recited act, proof shall not again be required, unless the applicant choose to take other land than that to which such proof applies. (b)
- Proof of possession.**
- Proviso.**
- Town property.** SEC. 3. *And be it further enacted*, That the provisions of this act shall extend to all town property of which the Government has been proprietors, and not subsequently sold, when full payment has not been made: *Provided*, The original purchasers, or their assignees, pay into the proper land office, on or before the fourth of July, one thousand eight hundred and thirty-two, one-half of the original purchase money without interest.
- (a) See Nos. 2460, 2461, 2462, 2464, 2465, 2466, 2468, 2485, 2488, 2494, 2495, 2500, 2504, 2510, 2513, 2519, 2531.
- (b) See Nos. 2469, 2471, 2475, 2519, 2522, 2527, 2529, 2535, 2539, 2543, 2555, 2560, 2592, 2601, 2614.

Jan. 23, 1832.
Vol. 4, p. 496.

No. 2527.—AN ACT supplementary to an act to grant pre-emption rights to settlers on public lands.

Purchasers under the act may assign their certificates of purchase, &c.

Be it enacted, &c., That from and after the passage of this act, all persons who have purchased under an act, entitled "An act to grant pre-emption rights to settlers on the public lands," approved the twenty-ninth of May, one thousand eight hundred and thirty, may assign and transfer their certificates of purchase, or final receipts, and patents may issue in the name of such assignee, any thing in the act aforesaid to the contrary notwithstanding. (a)

(a) See Nos. 2469, 2471, 2475, 2519, 2522, 2526, 2529, 2535, 2539, 2543, 2555, 2560, 2592, 2601, 2614.

June 4, 1832.
Vol. 6, p. 494.

No. 2528.—AN ACT for the benefit of Doctor Eliakim Crosby.

Land patent to issue.

Be it enacted, &c., That a patent or patents shall be issued to Doctor Eliakim Crosby, formerly of the province of Upper Canada, now a citizen of the United States, for a quantity of land equal to two sections of land; which may be located on any of the unappropriated lands of the United States which have been hitherto offered for sale, and which are now subject to entry.

April 5, 1832.
Vol. 4, p. 503.

All public lands offered at private sale may be purchased in fractions of sections, &c.

No. 2529.—AN ACT supplementary to the several laws for the sale of public lands.

Be it enacted, &c., That from and after the first day of May next, all the public lands of the United States, when offered at private sale, may be purchased at the option of the purchaser, either in entire sections, half-sections, quarter-sections, half quarter-sections, or quarter quarter-sections; and in every case of a division of a half quarter-section, the line for the division thereof shall run east and west, and the corners and contents of quarter quarter-sections, which may thereafter be sold, shall be ascertained as nearly as may be, in the manner, and on the principles, directed and prescribed by the second section of an act, entitled "An act concerning the mode of surveying the public lands of the United States," passed on the eleventh day of February, eighteen hundred and five; and fractional sections, containing fewer or more than one hundred and sixty acres, shall in like manner, as nearly as may be practicable, be subdivided into quarter quarter-sections, under such rules and regulations as may be prescribed by the Secretary of the Treasury: *Provided*, That this act shall not be construed to alter any special provision made by law for the sale of land in town lots: *And, provided also*, That no person shall be permitted to enter more than one half quarter-section of land under this act, in quarter quarter-sections, in his own name, or in the name of any other person, and in no case, unless he intends it for cultivation, or for the use of his improvement. And the person making application to make an entry under this act shall file his and her affidavit, under such regulations as the Secretary of

Proviso.

Proviso.

the Treasury may prescribe, that he or she makes the entry in his or her own name, for his or her own benefit, and not in trust for another: *Provided, further*, That all actual settlers, being housekeepers upon the public lands, shall have the right of pre-emption to enter, within six months after the passage of this act, not exceeding the quantity of one-half quarter-section, under the provisions of this act, to include his or their improvements, under such regulations as have been, or may be prescribed by the Secretary of the Treasury; and in cases where two persons shall live upon the same quarter-section, subject to be entered under the provisions of this act, each shall have the right to enter that quarter quarter-section which includes his improvements. (a)

Proviso.

(a) See Nos. 2469, 2471, 2475, 2519, 2522, 2526, 2527, 2535, 2539, 2543, 2555, 2560, 2592, 2601, 2614.

No. 2530.—AN ACT for the relief of Richard W. Steele, a soldier in the late war.

June 25, 1832.
Vol. 6, p. 497.

Be it enacted, &c., That Richard W. Steele, a soldier in the late war, be, and he hereby is, authorized to enter, of any of the lands of the United States subject to entry at this time, one quarter-section of land, the same being due to him for and on account of a bounty for his services, as a soldier in the late war against Great Britain; for which, when so entered, the register of the proper land office shall give him a certificate, upon the presentation of which to the Commissioner of the General Land Office, a patent shall be issued in due form.

Authorized to enter a quarter-section of land.

No. 2531.—AN ACT to amend an act entitled "An act for the relief of purchasers of the public lands that have reverted for non-payment of the purchase money, passed twenty-third day of May, one thousand eight hundred and twenty-eight."

July 9, 1832.
Vol. 4, p. 567.

Be it enacted, &c., That in all cases where public lands have been purchased, on which a further credit has been taken under the provisions of the act of the second March, one thousand eight hundred and twenty-one, or under any other act of Congress granting relief to the purchasers of the public lands, and have reverted to the United States for failure to pay the purchase money, or have been sold by the United States by reason of such failure to pay, it shall be the duty of the register of the land office where the purchase was made, to issue upon application, to the person or persons legally entitled to the benefit of payments made previous to such reversion or sale, his, her or their legal representatives or assigns, a certificate for the amount so paid and not refunded, which shall be received and credited as cash in payment of any public lands that may hereafter be sold by the United States, in the State or Territory in which such original purchase was made.

Register to issue certificate to purchasers of public lands for amount paid, &c.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Commissioner of the General Land Office and of the registers as aforesaid, to conform to, and be governed by, the provisions of the act aforesaid, to which this is an amendment, passed the twenty-third day of May, one thousand eight hundred and twenty-eight as aforesaid.

Certificates to be as cash in payment of public lands. Commissioner and registers to be governed by provisions of act of May 23, 1828.

SEC. 3. *And be it further enacted*, That where the lands have been relinquished to the United States under the provisions of the act of the second March, one thousand eight hundred and twenty-one, as aforesaid, or other acts of Congress, and the money paid thereon has, in part, been applied in the payment of other lands, if the payment so made on lands retained be less than the amount paid on the relinquished lands, when such excess exceeds the sum of ten dollars, it shall be the duty of the register of the land office where the transfer of payment was made, to issue a certificate for such excess to the person or persons entitled thereto and in the manner pointed out in the first section of this act; which certificate shall be received in payment of the purchase of the public lands as pointed out in said section.

Excess paid on lands relinquished, when it exceeds \$10, to be certified, and received in payment for public lands.

SEC. 4. *And be it further enacted*, That on proof being made, satisfactory to the Secretary of the Treasury, that any certificate issued under this act, or that has been, or may be, issued under the said act of the twenty-third of May, anno Domini one thousand eight hundred and twenty-eight, has been lost or destroyed by accident, he is hereby authorized to issue to the legal owner thereof, a duplicate of such original certificate, which shall be, in all respects, as available to the owner as the original certificate would have been. (a)

Duplicate of lost or destroyed certificate.

(a) See Nos. 2467, 2461, 2402, 2464, 2465, 2466, 2468, 2485, 2488, 2494, 2495, 2500, 2504, 2510, 2513, 2519, 2528.

July 9, 1832.
Vol. 6, p. 505.

Land warrants
to issue to him,
&c.

No. 2532.—AN ACT for the relief of Timothy Risley.

Be it enacted, &c., That the Secretary of War be, and he hereby is, directed to issue to Timothy Risley, two land warrants, one for one hundred acres, and the other for sixty acres, which are given in satisfaction of a warrant heretofore granted to Zachariah Sherwood, and by him assigned to said Risley, and which was by mistake of the officers of the General Land Office, located on a tract of land previously patented to another individual; and said Risley shall be and is hereby, authorized to surrender said warrants to the Secretary of the Treasury of the United States, and to receive certificates or scrip for the same, at any time before the first day of January, in the year one thousand eight hundred and thirty-three; which certificates or scrip shall be issued and signed by the Secretary of the Treasury, and countersigned by the Commissioner of the General Land Office, and receivable in payment for the public lands, in conformity with the provisions of an act, entitled "An act for the relief of certain officers and soldiers of the Virginia line and navy, and of the continental army during the revolutionary war."

July 13, 1832.
Vol. 6, p. 508.

Commissioner
of the General
Land Office re-
quired to issue
scrip to him on
account of for-
feitures.

No. 2533.—AN ACT for the relief of William Dickson.

Be it enacted, &c., That the Commissioner of the General Land Office is authorized and required to issue, upon application, to William Dickson, his legal representatives, or assigns, scrip to the amount of five hundred and seventy-two dollars and eighty-four and a half cents; being the one-fourth part of the original purchase money paid to the receiver of the land office at Saint Stephens, in Alabama, for the purchase of the northeast quarter of section numbered eight, in township numbered seventeen, of range numbered four, east; and of the southeast quarter of section numbered five, in township numbered seventeen, of range numbered four, east; and of the southeast quarter of section numbered eight, in township numbered seventeen, of range numbered four, east; and of the northeast quarter of section numbered eighteen, in township numbered seventeen, of range numbered four, east; all in the district of lands offered for sale at Saint Stephens; which said lands were forfeited, and have reverted to the United States; and of which said Dickson was the legal assignee from the original purchasers, at the time of said forfeiture; said scrip to be receivable in payment for the purchase of any lands which have been once offered for sale in Alabama, Mississippi, Illinois, Indiana, Missouri, or Arkansas Territory.

Scrip to be re-
ceivable in pay-
ment for certain
lands.

July 14, 1832.
Vol. 6, p. 524.

Land warrant
to issue to her, as
heir at law of W.
Blackwell.

No. 2534.—AN ACT for the relief of Elizabeth Scott, only surviving child, and heir at law, of Captain William Blackwell, deceased.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized, directed, and required to issue to Elizabeth Scott, a land warrant for three hundred acres of military bounty lands, as and for the land to which her father, Captain William Blackwell, was entitled, on account of his military services in the war of the Revolution; and that the same may be located on any vacant or unlocated lands heretofore appropriated by Congress for that purpose.

July 14, 1832.
Vol. 4, p. 603.

Occupants and
settlers on public
lands, entitled to
pre-emption, &c.

No. 2535.—AN ACT supplemental to the act "granting the right of pre-emption to settlers on the public lands," approved the twenty-ninth day of May, eighteen hundred and thirty.

Be it enacted, &c., That all the occupants and settlers upon the public lands of the United States, who are entitled to a pre-emption according to the provisions of the act of Congress, approved the twenty-ninth day of May, eighteen hundred and thirty, and who have not been, or shall not be, enabled to make proof and enter the same within the time limited in said act, in consequence of the public surveys not having been made and returned, or where the land was not attached to any land district, or where the same has been reserved from sale on account of a disputed boundary between any State and Territory, the said occupants shall be permitted to enter the said lands on the same conditions, in every respect, as are prescribed in said act, within one year after the surveys are made,

or the land attached to a land district, or the boundary line established; and, if the said lands shall be proclaimed for sale before the expiration of one year as aforesaid, then they shall be entered before the sale thereof.

SEC. 2. *And be it further enacted*, That the occupants upon fractions shall be permitted, in like manner, to enter the same, so as not to exceed in quantity one quarter-section; and, if the fractions exceed a quarter-section, the occupant shall be permitted to enter one hundred and sixty acres, to include his or their improvement, at the price aforesaid. (a)

(a) See Nos. 2469, 2471, 2475, 2519, 2523, 2536, 2527, 2528, 2530, 2543, 2553, 2560, 2592, 2601, 2614.

Occupants upon fractions to be permitted to enter in like manner, &c.

No. 2536.—AN ACT for the relief of the heirs of Nicholas Hart, deceased, and the heirs of John Grayson, deceased, and Jacob Bosworth.

Feb. 2, 1833.
Vol. 6, p. 533.

Be it enacted, &c., That the Secretary of War cause to be issued a duplicate of warrant number four hundred and forty-three, issued to Nicholas Hart, a revolutionary soldier, on the twenty-seventh day of January, one thousand eight hundred and nine, for one hundred acres of land: *Provided*, That nothing in this act contained, shall be so construed as to affect the interest of any bona-fide assignee of said original warrant, if the same shall be still in existence; in which event, the duplicate hereby authorized, shall be null and void, and no grant shall issue thereon.

Duplicate land warrant to issue to N. Hart.

Provided.

SEC. 2. *And be it further enacted*, That the Secretary of War cause to be issued a duplicate of warrant number one thousand one hundred and seventy-nine, for two hundred acres, issued to William Grayson, son, and the other heirs at law of John Grayson, a lieutenant in the South Carolina line, dated ninth May, one thousand eight hundred and twenty-six, under the same conditions and restrictions as are contained in the first section of this act.

Also, to Wm. Grayson.

SEC. 3. *And be it further enacted*, That the Secretary of War cause to be issued a duplicate of warrant number one thousand six hundred and twenty-five, for one hundred acres of land, issued to Jacob Bosworth on the seventh day of June, one thousand eight hundred and thirty, in virtue of his services as a private of the Connecticut line, in the war of the Revolution, under the same conditions and restrictions as are contained in the first section of this act.

Also, to Jacob Bosworth.

No. 2537.—AN ACT for the relief of Sarah Carr, widow of Richard Carr, deceased.

Feb. 20, 1833.
Vol. 6, p. 535.

Be it enacted, &c., That the proper officers of the Department of War be, and they are hereby, directed to issue to, and perfect for, Sarah Carr, widow of Richard Carr, deceased, late a private soldier of the Twenty-fourth Regiment of United States' Infantry, the warrant and patent to which the said Richard Carr was entitled for military bounty lands; there being no heir or heirs of the said Richard, living within the United States, to whom the same can issue.

Warrant and patent for military bounty land to be issued.

No. 2538.—AN ACT for the relief of James Range, a soldier of the Revolution.

March 2, 1833.
Vol. 6, p. 546.

Be it enacted, &c., That it shall be the duty of the Secretary of the Treasury to issue to James Range, upon his surrendering to the Commissioner of the General Land Office a duplicate of a warrant for one hundred acres, number six thousand three hundred and fifty-four, (the original of which being lost,) issued to him upon [the] twenty-first of January, one thousand eight hundred and twenty, by the State of Virginia, for one hundred acres of land, due said Range, in consideration of three years' services as a private in the continental line, land scrip at the rate of one dollar and twenty-five cents per acre, in the same form as though the original of said warrant was surrendered; which scrip shall be received in payment for any lands subject to private entry in either of the States of Ohio, Indiana, or Illinois.

Land scrip to issue to him.

No. 2539.—AN ACT to revive the act entitled "An act supplementary to the several laws for the sale of [the] public lands."

March 2, 1833.
Vol. 4, p. 663.

Be it enacted, &c., That in all cases in which persons were settlers or occupants of the public lands prior to the first day of May, one thousand eight hundred and thirty-two, and were authorized to enter under the provisions of the act, entitled "An act supplementary to the several laws for the sale of [the] public lands," approved April fifth, one thou-

Settlers prior to May 1, 1832, permitted to enter, &c.

sand eight hundred and thirty-two, and were prevented from making their entries, in consequence of the public surveys not having been made and returned, or where the land was not attached to any land district, or where the same has been reserved from sale in consequence of a disputed boundary between two States, or between a State and Territory, the said occupants shall be permitted to enter the said lands on the same conditions, in every respect, as were prescribed in said act, within one year after the surveys are made, or the land attached to a land district, or the boundary line established; and if the land shall be proclaimed for sale before the expiration of one year as aforesaid, then the said settlers or occupants shall be permitted to enter before the sale thereof. (a)

(a) See Nos. 2469, 2471, 2475, 2519, 2522, 2526, 2527, 2529, 2535, 2543, 2555, 2560, 2592, 2601, 2614.

March 2, 1833.
Vol. 6, p. 548.

No. 2540.—AN ACT for the relief of Absalom Boles.

Authorized to
surrender certificate for land.

New certificate
to issue.

Be it enacted, &c., That Absalom Boles, of the county of Marion, and State of Alabama, be, and he is hereby authorized, to surrender to the register and receiver of the land office at Huntsville, the certificate heretofore issued to him for the west half of the northeast quarter of section number one, township thirteen, range number fifteen west of the meridian of Huntsville, which was purchased by him through mistake; and the said Absalom Boles, on filing his relinquishment to all right and title thereto, shall be entitled to a certificate from the register and receiver, stating the amount which has been by him so paid by mistake, which shall be received in payment for any land of the United States which may be liable to private entry, or which may hereafter be sold.

March 2, 1833.
Vol. 6, p. 549.

No. 2541.—AN ACT for the relief of Raphael Paine, and Elias Arnold.

Land scrip to
issue to them.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to issue to Ralfel, alias Raphael Paine and Elias Arnold, one hundred acres of land scrip, receivable in any of the land offices in the United States, for so many acres of land, which are or may be offered for sale at the minimum price in lieu of lot number thirty-nine, in the first quarter of the eighth township, and eleventh range, of the tract appropriated for satisfying warrants for military services, which was patented to said Paine and Arnold on the fourth day of November, one thousand eight hundred and seventeen, but which is held by a prior grant. (a)

(a) See No. 2561.

June 19, 1834.
Vol. 6, p. 555.

No. 2542.—AN ACT for the relief of the widow and children of George Ludlum, deceased.

A military
bounty-land war-
rant to issue to
them.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to issue a warrant to the widow and children of George Ludlum, deceased, for the military bounty land of the said George, who, during the late war, enlisted as a private in the Twenty-ninth United States Infantry, for and during the war, and who continued in service until the close thereof.

June 19, 1834.
Vol. 6, p. 672.

No. 2543.—AN ACT to revive the act entitled "An act to grant [grant] pre-emption rights to settlers on the public lands," approved May twenty-nine, one thousand eight hundred and thirty.

Act of May 29,
1830, revived,
and extended to
those who settled
and cultivated
land in 1833.

Be it enacted, &c., That every settler or occupant of the public lands, prior to the passage of this act, who is now in possession, and cultivated any part thereof, in the year one thousand eight hundred and thirty-three, shall be entitled to all the benefits and privileges provided by the act entitled "An act to grant pre-emption rights to settlers on the public lands," approved May twenty-nine, one thousand eight hundred and thirty; and the said act is hereby revived and shall continue in force two years from the passage of this act and no longer.

SEC. 2. *And be it further enacted*, That where a person inhabits one quarter-section and cultivates another, he shall be permitted to enter the one or the other at his discretion: *Provided*, Such occupant shall designate, within six months from the passage of this act, the quarter-section of which he claims the pre-emption under the same.

SEC. 3. *And be it further enacted*, That all persons residing on the public lands, and cultivating the same, prior to the year eighteen hundred and twenty-nine, and who were deprived of the advantages of the law passed on the twenty-ninth May, eighteen hundred and thirty, by the constructions placed on said law by the Secretary of the Treasury, be, and they are hereby authorized to enter, at the minimum price of the Government, one quarter-section of the public lands, within said land district. (a)

(a) See Nos. 2469, 2471, 2475, 2519, 2522, 2526, 2527, 2529, 2535, 2539, 2555, 2560, 2592, 2601, 2614.

No. 2544.—AN ACT for the relief of the heirs at law of Richard Livingston, a Canadian refugee, deceased. June 27, 1834.
Vol. 6, p. 570.

Be it enacted, &c., That the provisions of the several acts of Congress in relation to refugees from Canada and Nova Scotia, be, and the same are hereby, extended to the heirs at law of Richard Livingston, deceased, a lieutenant-colonel in the regiment commanded by Colonel James Livingston; and that the quantity of land which may be awarded by the officers of Government, designated in said several acts to settle and adjust similar claims, shall be located upon such lands belonging to the United States, which have been offered at public sale, and subject to entry at private sale.

No. 2545.—AN ACT for the relief of Elijah Lincoln.

June 28, 1834.
Vol. 6, p. 571.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to issue to Elijah Lincoln a military land-warrant for one hundred acres of land, for revolutionary services, in lieu of a warrant number one thousand and ninety-two, alleged to have been issued to Elijah Lincoln in the year one thousand eight hundred, and to have been lost.

No. 2546.—AN ACT for the relief of William Enos, of Arkansas.

June 30, 1834.
Vol. 6, p. 574.

Be it enacted, &c., That the provisions of an act of Congress approved on the twenty-second day of May, eighteen hundred and twenty-six, entitled "An act authorizing certain soldiers of the late war to surrender the bounty lands drawn by them, and to locate others in lieu thereof," be, and the same are hereby, extended to William Enos, of Arkansas, a soldier of the late war; and that the first proviso of said act shall be considered inoperative in his case.

No. 2547.—AN ACT for the relief of the legal representatives of Leonard Holly, deceased.

June 30, 1834.
Vol. 6, p. 591.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and required to issue to the legal representatives of Leonard Holly, deceased, a warrant for the military bounty land of the deceased, who enlisted as a soldier, for five years, in the Tenth Regiment of the United States Infantry, and served therein during the whole of the late war, shortly after the expiration of which he died.

SEC. 2. *And be it further enacted*, That the proper accounting officers of the Department of War do pay to the legal representatives of the said Leonard Holly, deceased, all the arrears of bounty, pay, or clothing, which may appear to be due and owing to the deceased.

No. 2548.—AN ACT for the relief of Amos W. Brown.

June 30, 1834.
Vol. 6, p. 591.

Be it enacted, &c., That the Secretary of War, cause to be issued to Amos W. Brown, of the town of Potsdam, in the county of St. Lawrence, and State of New York, a warrant for three hundred and twenty acres of bounty land, to which he was entitled by an act to amend the

act entitled "An act granting bounties in land, and extra pay, to certain Canadian volunteers," passed the fifth of March, one thousand eight hundred and sixteen; to be located in legal subdivisions, on any of the public lands of the United States which have been offered at public sale, and are now subject to entry at private sale.

June 30, 1834.
Vol. 6, p. 593.

No. 2549.—AN ACT for the relief of Samuel Armstrong Bailey.

Be it enacted, &c., That Samuel Armstrong Bailey of the State of Georgia, who is entitled in right of his wife, Rebecca Frances Bailey, who is heir at law of Edward Lloyd, deceased, to an unlocated military land-warrant for two hundred acres of land granted in consideration of the military services of the said Edward Lloyd in the revolutionary war, be, and he is hereby, authorized to surrender the said warrant to the Secretary of the Treasury, and on his filing a release with the Commissioner of the General Land Office, of all his right, title and interest in said warrant, which release shall be signed by the said Rebecca Frances Bailey, heir at law of the said Edward Lloyd deceased as aforesaid, then it shall be the duty of the said Secretary of the Treasury to issue to the said Samuel Armstrong Bailey, military land-scrip, at the rate of one dollar and twenty-five cents per acre, for the said quantity of two hundred acres in full satisfaction for the surrender of the warrant and release to be executed as aforesaid; which said scrip shall be receivable in payment of the public lands, in any land district of the United States.

June 30, 1834.
Vol. 6, p. 595.

No. 2550.—AN ACT for the relief of Peter Mills.

Be it enacted, &c., That Peter Mills, assignee of Joshua Sprague, be, and he is hereby authorized to locate three hundred and twenty acres of land in legal subdivisions, on any land of the United States, subject to entry at private sale, in satisfaction of an equal quantity of land, viz. half-section number seven, township five, and range twenty-two, heretofore located by Joshua Sprague under an act of Congress approved the twenty-third day of April, eighteen hundred and twelve, and conveyed by said Sprague to said Peter Mills, which said half-section was patented to one Robert Culbertson on a mill pre-emption right, and is now held adversely to said Mills under said patent. And the President of the United States is authorized to issue a patent to said Peter Mills on his producing a certificate of the register of the land office within whose district such location may be made.

Jan. 27, 1835.
Vol. 6, p. 604.

No. 2551.—AN ACT for the relief of the heirs of Evan Edwards.

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized to issue a duplicate warrant to the heirs at law of Major Evan Edwards, for four hundred acres of land, in lieu of warrant numbered twelve hundred and five, issued on the ninth of February, eighteen hundred and twenty-seven, and which is alleged to have been lost.

Jan. 27, 1835.
Vol. 6, p. 605.

No. 2552.—AN ACT for the relief of Robert Haile.

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized to issue to Robert Haile a land warrant for three hundred and twenty acres of land in lieu of warrant number sixteen, issued on the sixth March eighteen hundred and seven, in favor of Thomas F. Howard under the act of third March, eighteen hundred and seven, entitled "An act making compensation to Messrs. Lewis and Clark and their companions," which warrant was afterwards assigned to Robert Haile, and appears to have been lost. (a)

(a) See Nos. 2459, 2467, 2514.

No. 2553.—AN ACT to extend the time for selling the land granted to the incorporated Kentucky Asylum, for teaching the deaf and dumb. April 11, 1836.
Vol. 6, p. 629.

Be it enacted, &c., That the further time of two years, from and after the fifth day of April, one thousand eight hundred and thirty-six, be and the same is hereby allowed the trustees of the Centre College of Kentucky, who are also trustees of the Kentucky Asylum for teaching the deaf and dumb, to sell the land granted to said trustees for the use and benefit of said asylum, by an act entitled "An act for the benefit of the incorporated Kentucky Asylum for teaching the deaf and dumb," approved the fifth day of April, one thousand eight hundred and twenty-six. (a)

(a) See Nos. 2503, 2506, 2520, 2552, 2593, 2595, 2604, 2620, 2626, 2657.

No. 2554.—AN ACT for the relief of Abraham Forbes, a spy in the late war. June 22, 1836.
Vol. 6, p. 647.

Be it enacted, &c., That Abraham Forbes be, and is hereby, allowed to enter three hundred and twenty acres of land, on any any of the public lands subject to entry at private sale, for services rendered by him as a Canadian volunteer. May enter a tract of land.

No. 2555.—AN ACT to confirm the sales of public lands in certain cases. July 2, 1836.
Vol. 5, p. 72.

Be it enacted, &c., That in all cases where public lands, taken from the bounds of a former land district, and included within the bounds of a new district, have been sold by the officers of such former district, under the pre-emption laws or otherwise, at any time prior to the opening of the land office in such new district, and in which the Commissioner of the General Land Office shall be satisfied that the proceedings in other respects have been fair and regular, such entries and sales shall be, and are hereby, confirmed; and patents shall be issued thereupon, as in other cases. Sales confirmed.

SEC. 2. *And be it further enacted,* That in all cases where any entry has been made under the pre-emption laws, pursuant to instructions sent to the register and receiver from the Treasury Department, and the proceedings have been in all other respects fair and regular, such entries and sales are hereby confirmed, and patents shall be issued thereon, as in other cases. (a) Patents to issue.

(a) See Nos. 2469, 2471, 2475, 2510, 2522, 2526, 2527, 2529, 2535, 2539, 2543, 2560, 2592, 2601, 2614.

No. 2556.—AN ACT for the relief of John Cummins. July 2, 1836.
Vol. 6, p. 671.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to repay to John Cummins, his heirs or legal representatives, out of any moneys in the Treasury not otherwise appropriated, the sum of one hundred dollars and twenty cents, the same being the amount paid by him on the seventeenth February, eighteen hundred and thirty-one, for the entry of the west half of the southwest quarter of section twenty-one, township nine, of range ten, in the district of land subject to sale at Zanesville, in Ohio, which entry was adjudged void, and the same half-quarter granted to one William C. Bay. Payment for land to be refunded.

No. 2557.—AN ACT for the relief of the heirs of Nathan, Peter, and William Adams, deceased. April 20, 1838.
Vol. 6, p. 714.

Be it enacted, &c., That the Secretary of War cause to be issued duplicates of the following military bounty-land warrants, to wit: Bounty-land warrant number three hundred and seventy-one, for three hundred acres, issued on the fifteenth day of December, one thousand eight hundred and seven, to John Adams, one moiety, and to Elizabeth, Ann, Sarah, and Levin Adams, deceased, the remaining moiety, they being the legal heirs of Nathan Adams, deceased, who was a captain in the Delaware line; also warrant number three hundred and seventy-two, for four hundred and fifty acres, issued at the same date, to the same parties, and in the same proportions as those named in warrant number three hundred and seventy-one, they being the legal heirs of Peter

Adams, deceased, who was a lieutenant-colonel in the Maryland line; also, warrant number three hundred and seventy-three, for two hundred acres, issued on the same date, to the same parties, and in the same proportions as those in warrants numbered three hundred and seventy-one, and three hundred and seventy-two, they being the legal heirs of William Adams, deceased, who was a lieutenant in the Maryland line; which said warrants have been lost to the said heirs, or to their legal representative or representatives; and the said duplicates shall be located and proceeded upon in the same manner as if they were the original warrants, and the said original warrants are hereby declared void.

April 30, 1838. **No. 2558.**—AN ACT to extend the time for selling the land granted to the Kentucky Asylum for teaching the deaf and dumb.
Vol. 6, p. 716.

Further time allowed for the sale of lands. *Be it enacted, &c.,* That the further time of two years, from and after the fifth day of April, one thousand eight hundred and thirty-eight, be, and the same is hereby allowed the trustees of the Kentucky Asylum for teaching the deaf and dumb, to sell the land heretofore granted by Congress to said institution. (a)

(a) See Nos. 2503, 2508, 2520, 2553, 2593, 2595, 2604, 2620, 2626, 2637.

May 18, 1838.
Vol. 6, p. 743.

No. 2559.—RESOLUTION for the relief of Vespasian Ellis.

Preamble.

Whereas Vespasian Ellis and Henry A. Wise, on the eighteenth of August, eighteen hundred and thirty-six, deposited in the Treasury of the United States the sum of four thousand dollars in gold, in compliance with the second section of the act making further provision for the sale of the public lands, approved twenty-fourth of April, eighteen hundred and twenty, and received from the Treasurer of the United States forty receipts or certificates, of one hundred dollars each, dated eighteenth of August, eighteen hundred and thirty-six, and numbered from forty to seventy-nine inclusive; and whereas, the said Henry A. Wise, on the thirteenth day of May, eighteen hundred and thirty-seven, assigned and conveyed his title and interest in and to said receipts or certificates for valuable consideration to said Ellis, supposing the same to be assignable; and whereas, the said section of the act aforesaid is so construed by the Treasury Department that the said receipts or certificates are not available to said Ellis under said assignment.

Receivers of the land offices to receive the said receipts, &c., in payment for lands. *Be it therefore resolved, &c.,* That the several receivers of the land offices be authorized and required to receive the said receipts or certificates from the said Vespasian Ellis, in payment for any lands which said Ellis may locate, and which are liable to private entry, or from the assignee or assignees of said Ellis when endorsed by the Commissioner of the General Land Office as hereinafter directed, for any such lands they may locate, in the same manner as though said receipts or certificates had been originally assignable.

Commissioner of the General Land Office to endorse same as receivable. *And be it further resolved,* That the Commissioner of the General Land Office be directed to endorse upon the said receipts or certificates that the same are receivable as aforesaid, from said Vespasian Ellis, or from his assignee or assignees.

June 22, 1838.
Vol. 5, p. 251.

No. 2560.—AN ACT to grant pre-emption rights to settlers on the public lands.

Qualifications necessary to entitle settlers to the benefits of act of May 20, 1830. *Be it enacted, &c.,* That every actual settler of the public lands, being the head of a family, or over twenty-one years of age, who was in possession and a housekeeper, by personal residence thereon, at the time of the passage of this act, and for four months next preceding, shall be entitled to all the benefits and privileges of an act entitled "An act to grant pre-emption rights to settlers on the public lands," approved May twenty-ninth eighteen hundred and thirty, and the said act is hereby revived and continued in force two years: *Provided,* That where more than one person may have settled upon and cultivated any one quarter-section of land, each one of them shall have an equal share or interest in the said quarter-section, but shall have no claim, by virtue of this act, to any other land: *And provided, always,* That this act shall not be so construed as to give a right of pre-emption to any person or persons,

Proviso.

in consequence of any settlement or improvement made before the extinguishment of the Indian title to the land on which such settlement or improvement was made, or to the lands lately acquired by treaty with the Miami tribe of Indians, in the State of Indiana, of which proclamation was made by the President of the United States, on the twenty-second day of December, eighteen hundred and thirty-seven, or to any sections, or fractions of sections, of land included within the location of any incorporated town, or to the alternate sections to other alternate sections granted to the use of any canal, railroad, or other public improvement on the route of such canal, railroad, or other public improvement, or to any portions of public lands, surveyed or otherwise, which have been actually selected as sites for cities or towns, lotted into smaller quantities than eighty acres, and settled upon and occupied for the purposes of trade, and not of agricultural cultivation and improvement, or to any land specially occupied or reserved for town lots, or other purposes, by authority of the United States: *And provided further*, That nothing herein contained shall be construed to affect any of the selections of public lands for the purposes of education, the use of salt springs, or for any other purpose which may have been or may be made by any State, under existing laws of the United States: but this act shall not be so construed as to deprive those of the benefits of this act, who have inhabited, according to its provisions, certain fractions of the public lands within the land district of Palmyra, in the State of Missouri, which were reserved from sale in consequence of the surveys of Spanish and French grants, but are found to be without the lines of said grants. That before any person claiming the benefit of this law shall have a patent for the land which he may claim by having complied with its provisions, he shall make oath before some person authorized by law to administer the same, which oath with the certificate of the person administering it, shall be filed with the register of the proper land office when the land is applied for, and by said register sent to the office of the Commissioner of Public Lands, that he entered upon the land which he claims, in his own right, and exclusively for his own use and benefit, and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatever, by which the title which he might acquire from the Government of the United States should inure to the use or benefit of any one except himself, or to convey or transfer the said land, or the title which he may acquire to the same, to any other person or persons whatever, at any subsequent time; and if such person, claiming the benefit of this law as aforesaid, shall swear falsely in the premises, he shall be subject to all the pains and penalties for perjury, forfeit the money which he may have paid for the land, and all right and title to the said land, and any grant or conveyance which he may have made in pursuance of such agreement or contract, as aforesaid, shall be void, except in the hands of a purchaser in good faith, for a valuable consideration without notice. And the certificate which shall be filed with the Commissioner as aforesaid, shall be taken to be conclusive evidence that the oath was legally administered: (a)

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(a) See Nos. 2469, 2471, 2475, 2519, 2522, 2526, 2527, 2529, 2535, 2539, 2543, 2555, 2592, 2601, 2614.

No. 2561.—AN ACT to amend an act entitled "An act for the relief of Raphael Paine and Elias Arnold," approved March second, eighteen hundred and thirty-three.

June 26, 1838.
Vol. 6, p. 725.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to issue the scrip in said act named to the said Paine and Arnold, or their assignee, in lieu of lot thirty-three, instead of lot thirty-nine, as therein mentioned. (a)

(a) See No. 2541.

No. 2562.—AN ACT for the relief of Sarah Angel, and the other heirs at law of Benjamin King, deceased.

Feb. 6, 1839.
Vol. 6, p. 729.

Be it enacted, &c., That the Secretary of War be, and he hereby is, directed to cause to be issued to Sarah Angel, and the other heirs at law of Benjamin King, deceased, who was a corporal in the Rhode Island line during the revolutionary war, a duplicate of the warrant

Land scrip to issue in lieu of, &c.
Duplicate land warrant to be issued.

which was issued in their favor on the eighteenth of December, eighteen hundred and nineteen, and numbered eight hundred and thirty-one, for one hundred acres of land; the original of which has been lost, and is hereby revoked.

March 2, 1839.
Vol. 6, p. 753.

No. 2563.—AN ACT for the relief of Levi Chadwick.

Duplicate military bounty-land warrant to be issued.

Be it enacted, &c., That the Secretary of War cause to be issued to Levi Chadwick, a private in the New Jersey line in the revolutionary war, a duplicate of military bounty-land warrant number seven hundred and sixteen, for one hundred acres of land, which issued to Levi Chadwick, alias Shadwick, the fourth day of December, eighteen hundred and eighteen, and which has been lost; and the said Levi Chadwick shall have the said duplicate located and proceeded upon in the same manner as if it were an original warrant; and the said original warrant is hereby declared null and void.

March 2, 1839.
Vol. 6, p. 794.

No. 2564.—RESOLUTION for the relief of Abraham Wright, of New York.

Duplicate land warrant to be issued, &c.

Be it resolved, &c., That the Secretary of War cause to be issued to Abraham Wright, of Washington County, New York, as assignee of Ezra St. John, jr., who was assignee of Theodore Treat, a duplicate land warrant, number four hundred and eighty-six, the original having issued the twenty-second of February, eighteen hundred and ten, to said Ezra St. John, jr., assignee of Theodore Treat; and the said duplicate shall be located and proceeded upon in the same manner as if [it] were the original warrant; and said original warrant is hereby declared void.

March 2, 1839.
Vol. 6, p. 794.

No. 2565.—RESOLUTION for the relief of the heirs at law of Captain Frederick M. Bell, deceased.

Duplicate bounty-land warrant to be issued.

Be it resolved, &c., That the Secretary of War cause to be issued to Mary Shepherd and the other heirs at law (if any such there be) of Captain Frederick M. Bell, deceased, for services in the war of the Revolution, a duplicate bounty-land warrant for three hundred acres of land, in lieu of one for the like quantity, issued the sixth day of February, one thousand eight hundred and nineteen, numbered seven hundred and thirty-eight, and which is represented to have been lost to the said heirs; and the said duplicate shall be located and proceeded upon in the same manner as if it were the original warrant; and the said original warrant is hereby declared void.

March 2, 1839.
Vol. 6, p. 794.

No. 2566.—RESOLUTION for the relief of the heirs of Charles Brown, deceased.

Duplicate bounty-land warrant to be issued.

Be it resolved, &c., That the Secretary of War cause to be issued a duplicate of bounty-land warrant number two thousand one hundred and thirty-seven, for two hundred acres, issued the twenty-fourth day of March, eighteen hundred and thirty-six, to Susan C. Brown, Sarah C. Brown, Charles T. Brown, Anna E. Brown, William T. Brown, E. Bondinot Brown, Sarah B. Keith, wife of John A. Keith, and Eliza Hopkins, surviving daughter of Susan Hopkins, they being the legal heirs of Charles Brown, deceased, who was a lieutenant in the South Carolina line; which said warrant has been lost to the said heirs; and the said duplicate shall be located and proceeded upon in the same manner as if it were the original warrant; and the said original warrant is hereby declared void.

March 2, 1839.
Vol. 6, p. 756.

No. 2567.—AN ACT authorizing a grant of bounty land to the heirs of Bennett Shurley.

Duplicate land warrant to be issued.

Be it enacted, &c., That the Secretary of War be, and he hereby is, authorized and required to issue to the heirs of Bennett Shurley, deceased, who was a private in the Maryland continental line of the army in the war of the Revolution, a duplicate of land warrant number eleven thousand seven hundred and six, for one hundred acres, dated eleventh March, one thousand seven hundred and ninety-one.

- No. 2568.**—AN ACT for the relief of Menzies Gillespie, late a soldier of the United States Army. March 3, 1839.
Vol. 6, p. 762.
- Be it enacted, &c.,* That Menzies Gillespie, by his attorney, Robert Clark, is authorized to relinquish to the United States, in such form as the Commissioner of the General Land Office may prescribe, all the right, interest, and title of the said Menzies Gillespie to warrant number two thousand four hundred and eighty-three, issued thirteenth February, eighteen hundred and fifteen, for bounty land, in consideration of services rendered in the late war; and when so surrendered, the Commissioner of the General Land Office shall issue a duplicate warrant in lieu of the said warrant heretofore issued; which warrant shall be receivable in payment of lands at any land office of the United States. Authorized to relinquish all right to United States in a certain warrant, &c.
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- No. 2569.**—AN ACT for the relief of Nicholas Phelan, heir at law of John Phelan, deceased. March 3, 1839.
Vol. 6, p. 762.
- Be it enacted, &c.,* That the Secretary of War cause to be issued to Nicholas Phelan, heir at law of John Phelan, deceased, late of the city of Baltimore, a warrant for two hundred acres of land, for the service of said John Phelan, as a lieutenant or captain in the war of the Revolution. Land warrant to be issued.
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- No. 2570.**—AN ACT for the relief of the heirs of Crocker Sampson, deceased. March 3, 1839.
Vol. 6, p. 763.
- Be it enacted, &c.,* That the Secretary of War cause to be issued a duplicate of warrant number one thousand nine hundred and fifteen, issued to Crocker Sampson, a lieutenant in the Massachusetts line of the army of the Revolution, for two hundred acres of land: *Provided,* That nothing in this act contained shall be so construed as to affect the interest of any bona-fide assignee of said original warrant, if the same shall be still in existence; in which event, the duplicate hereby authorized shall be null and void. Duplicate land warrant to be issued.
Proviso.
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- No. 2571.**—AN ACT for the relief of Nathaniel Plumb. March 3, 1839.
Vol. 6, p. 763.
- Be it enacted, &c.,* That the Secretary of War is hereby authorized and required to cause to be issued to Nathaniel Plumb, or his legal representatives, a bounty-land warrant for one hundred acres of land, to which he is entitled for services rendered during the revolutionary war. Bounty-land warrant to be issued.
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- No. 2572.**—AN ACT for the relief of John and Samuel Rowe, heirs and legal representatives of Ludwick Rowe, deceased. March 3, 1839.
Vol. 6, p. 769.
- Be it enacted, &c.,* That the Secretary of War be, and he is hereby, directed to issue duplicate warrant number four hundred and four, for one hundred acres of land, issued the fourth of April, eighteen hundred and eight, in the names of John Rowe and Samuel Rowe, legal heirs and representatives of Ludwick Rowe, who was a private in the Pennsylvania line in the Revolution; the original warrant having been lost. Duplicate land warrant to be issued.
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- No. 2573.**—AN ACT for the relief of James Cooper. March 3, 1839.
Vol. 6, p. 769.
- Be it enacted, &c.,* That the Secretary of War be, and he is hereby, authorized to issue a duplicate warrant to James Cooper, for one hundred acres of military bounty land, in lieu of land warrant number twelve thousand nine hundred and sixty-six, issued prior to the year one thousand eight hundred, to the said James Cooper, a private of "Lee's legion," and of the New Jersey quota of continental troops in the revolutionary army, and which said land warrant is alleged to have been lost. Duplicate military bounty-land warrant to be issued.
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- No. 2574.**—AN ACT for the relief of the widow and other heirs at law of Alexander Hamilton, deceased. March 3, 1839.
Vol. 6, p. 772.
- Be it enacted, &c.,* That the Secretary of War cause to be issued to Elizabeth Hamilton widow, and the other heirs at law of Alexander Hamilton, who was a lieutenant-colonel in the revolutionary army, a bounty-land warrant for four hundred and fifty acres of land, in lieu of A bounty-land warrant to be issued.

a warrant for a like quantity issued in the name of said widow and heirs the thirtieth day of July, eighteen hundred and thirteen, and numbered six hundred and twenty-two; and which said last-mentioned warrant never has been surrendered to the General Land Office for the purpose of being satisfied, but is represented to have been lost or mislaid.

March 3, 1839. **No. 2575.**—AN ACT for the relief of the legal representatives of Daniel Warner.
Vol. 6, p. 772.

Authorized to
enter land, free
of cost.

Be it enacted, &c., That the legal representatives of Daniel Warner, deceased, late a private in Captain Peter's company of the Twenty-seventh Regiment of Infantry of the Army of the United States, be, and they are hereby, authorized to enter free of cost, one quarter-section of one hundred and sixty acres, of any of the public lands subject to sale at private entry, and that a patent issue to them for the same; which quarter-section shall be taken for and in full consideration of the land bounty to which, by the act of one thousand eight hundred and twelve, the said Daniel Warner would be entitled to if living.

March 3, 1839. **No. 2576.**—AN ACT for the relief of the heirs of Francis Jarvis, deceased.
Vol. 6, p. 773.

Land scrip to
be issued.

Be it enacted, &c., That the Commissioner of the Land Office be, and he is hereby, directed to issue to the heirs of Francis Jarvis, deceased, a scrip certificate for one hundred acres, in consequence of military land-warrant number six thousand three hundred and forty-five being located upon lands previously entered, and which could not be held by said heirs.

March 3, 1839. **No. 2577.**—AN ACT for the relief of Isaac D. Saunders.
Vol. 6, p. 776.

A bounty land
certificate to be
issued.

Be it enacted, &c., That the Secretary of War cause to be issued to Isaac D. Saunders, as assignee of Edward Bevin, a bounty-land certificate for one hundred and sixty acres of land; to be located on some part of the public lands set apart for that purpose.

March 3, 1839. **No. 2578.**—AN ACT for the relief of Abraham Stipp.
Vol. 6, p. 777.

Land scrip to
be issued.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to issue scrip to Abraham Stipp, of Vermillion County, in the State of Indiana, and in his name, on the authority of a warrant (number four thousand six hundred and thirty-three) granted by the State of Virginia to Charles Fierer, for two thousand acres of military bounty land, or for so much thereof as may remain unsatisfied, in conformity with the provisions contained in the second section of the act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year one thousand eight hundred and thirty-five," approved March third, eighteen hundred and thirty-five; the said Abraham Stipp first having filed a bond, with sufficient security, in a penalty at least double the amount of the scrip so to be issued, conditioned to reimburse to the United States the amount of such scrip in case any other person shall hereafter claim and establish a right to said warrant. The said scrip shall be executed in the form prescribed by the act entitled "An act for the relief of certain officers and soldiers of the Virginia line and navy, and of the continental army during the revolutionary war," approved May thirty, eighteen hundred and thirty. It shall be assignable, as in said act is provided, and available for the purposes in that act mentioned, or in the acts amendatory or supplemental thereto.

March 3, 1839. **No. 2579.**—AN ACT for the relief of the legal representatives of James Maxwell,
Vol. 6, p. 777. of Pennsylvania.

Bounty-land
warrant to be
issued.

Be it enacted, &c., That the Secretary of War cause to be issued to the legal representatives of James Maxwell, of Pennsylvania, for his services during the war of the Revolution, a bounty-land warrant for one hundred acres of land.

No. 2580.—AN ACT for the relief of Joseph Safford and other heirs at law of Joseph Safford, late of the New Hampshire line in the revolutionary war, deceased. March 3, 1839.
Vol. 6, p. 778.

Be it enacted, &c., That a duplicate warrant for two hundred acres of land to be issued by the proper officer to Joseph Safford and other heirs of Joseph Safford, late a lieutenant in the New Hampshire line in the revolutionary war, deceased, in lieu of warrant number one thousand six hundred and eighty-three, which heretofore issued to the same persons, and which has been, as they allege, lost by time or accident. A duplicate land warrant to be issued.

No. 2581.—AN ACT for the relief of Ashbel Mason. March 3, 1839.
Vol. 6, p. 779.

Be it enacted, &c., That the Secretary of War is hereby authorized and required to cause to be issued to Ashbel Mason, or his legal representatives, a bounty-land warrant for one hundred acres of land, to which he is entitled for his services during the revolutionary war. A bounty-land warrant to be issued.

No. 2582.—AN ACT for the relief of William C Hazard, of Rhode Island. March 3, 1839.
Vol. 6, p. 779.

Be it enacted, &c., That it shall and may be lawful for William C. Hazard, the only child and heir at law of Ezekiel Hazard, a soldier in the Army of the United States during the late war, who died in service, to relinquish the bounty land to which the said Ezekiel Hazard, had he survived the war, would have been entitled, and in lieu thereof, to receive half the monthly pay to which the said Ezekiel Hazard was entitled at the time of his death, for and during the term of five years, in the same manner as the guardian of the said William C. Hazard might have done under the provisions of the second section of the act of Congress of the sixteenth of April, one thousand eight hundred and sixteen, had such guardian existed: and the Secretary of the Treasury, upon the notice of the surrender of the land warrant, is hereby authorized and required to give the requisite orders for the payment of the said half pay to the said William C. Hazard, in the same manner as the said act of the sixteenth of April, one thousand eight hundred and sixteen, authorized and required to be given to the guardian of any minor child or children of a deceased soldier, who died in the service of the United States, upon relinquishment of the bounty-land warrant, under the provisions of the aforesaid act. May relinquish bounty land, and receive half the monthly pay, &c.

No. 2583.—AN ACT for the relief of John Dixon. March 3, 1839.
Vol. 6, p. 781.

Be it enacted, &c., That John Dixon, late a private in the Tenth Regiment of Infantry of the United States, and who was discharged from service the twenty-sixth day of February, one thousand eight hundred and fourteen, for disability, be, and he hereby is, entitled to receive the bounty land and three months' extra pay allowed to a private by the act of Congress approved the twenty-fourth day of December, one thousand eight hundred and eleven, entitled "An act for completing the existing military establishment." Entitled to bounty land and three months' extra pay.

No. 2584.—AN ACT for the relief of John McCarroll, junior. March 3, 1839.
Vol. 6, p. 781.

Be it enacted, &c., That the Secretary of the Treasury cause to be issued to John McCarroll, junior, land scrip on a Virginia military land-warrant, number two thousand four hundred and twenty-nine, which issued to James Wilder, for one hundred acres of land, on the ninth day of February, one thousand seven hundred and eighty-four, upon said John McCarroll, junior, giving bond and satisfactory security to refund the value thereof, should the heirs or other claimants under said James Wilder show a better claim thereto than said John McCarroll. Land scrip to be issued.

No. 2585.—AN ACT for the relief of Zebulon Baxter. March 3, 1839.
Vol. 6, p. 782.

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to issue a land warrant for one hundred and sixty acres of bounty land to Zebulon Baxter, a Canadian volunteer; which shall be in full compensation of bounty lands for all the services by him rendered in the service of the United States in the late war with Great Britain, to be located on any of the unappropriated lands which have been offered A bounty-land warrant to be issued, &c.

for sale and are subject to private entry in the Territory of Wisconsin. And the Secretary of the Treasury is hereby directed to pay to said Zebulon Baxter, the sum of twenty-four dollars, in full for three months' extra pay, given by the acts of eighteen hundred and sixteen, and eighteen hundred and seventeen, to that class of soldiers in certain cases.

March 3, 1839.
Vol. 6, p. 782.

No. 2586.—AN ACT for the relief of Margaret Kingsbury.

Authorized to enter land, free of cost.

Be it enacted, &c., That Margaret Kingsbury, widow of Oliver Kingsbury, deceased, late corporal of Captain Larkin's company of the Twenty-second Regiment of Infantry, who enlisted on the thirteenth day of July, one thousand eight hundred and thirteen, for the term of five years, and who was killed on the twenty-fifth day of July, eighteen hundred and fourteen, in the battle of Bridgewater, be, and she is hereby, authorized to enter free of cost, one quarter-section of one hundred and sixty acres, of any of the public lands subject to sale at private entry, and that a patent issue to her for the same; which tract shall be taken for, and in full consideration of, the land bounty to which, by the act of one thousand eight hundred and twelve, he, the said Oliver Kingsbury, would be entitled to if living.

March 3, 1839.
Vol. 6, p. 783.

No. 2587.—AN ACT for the relief of David Ballentine.

Certificate of forfeited land scrip to be issued to him.

Be it enacted, &c., That the Secretary of the Treasury cause to be issued to David Ballentine, of Ohio, assignee of Patrick Duffy, a certificate of forfeited land scrip for one hundred and forty-seven dollars and fifty cents, it being the amount paid by said Patrick Duffy to the receiver of public moneys at the land office at Zanesville, in the year eighteen hundred and seven, as the first instalment for a quarter-section of land, and which subsequently reverted to the United States for non-payment, and was sold to another purchaser.

March 3, 1839.
Vol. 6, p. 787.

No. 2588.—AN ACT for the relief of Thomas Todd.

Land patent to issue to him.

Be it enacted, &c., That the Commissioner of the General Land Office be, and he is hereby, directed to issue a patent granting in fee-simple to Thomas Todd, late a soldier in Captain Harris' company of light dragoons, who enlisted for a period of during the war of eighteen hundred and twelve with Great Britain, or to his heirs, as the case may be, one quarter-section of land, in conformity with such rules and regulations as have been prescribed for the issuing of patents for bounty lands due to the soldiers of said war.

March 3, 1839.
Vol. 6, p. 788.

No. 2589.—AN ACT for the relief of Stephen Marsters.

Amount paid by them for lands not subject to private entry, to be refunded.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to refund to Stephen Marsters, of the State of Indiana, the amount paid to the receiver of public money at the Laporte land office, in the State of Indiana, on the ninth day of September, one thousand eight hundred and thirty-five, for the southeast quarter of section thirty-one, in township thirty-one north, of range two east; which sum is hereby directed to be refunded to said Stephen Marsters upon his surrendering to the Secretary of the Treasury the duplicate certificate issued to him for said quarter-section by the receiver aforesaid.

April 10, 1840.
Vol. 6, p. 796.

No. 2590.—AN ACT for the relief of Alvarez Flak and the legal representatives of Thomas P. Eskridge.

Moneys paid by them for lands not subject to private entry, to be refunded, with interest.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to the legal representatives of Thomas P. Eskridge, out of any money in the Treasury not otherwise appropriated, the sum of two thousand two hundred dollars, with six per cent. interest thereon, as follows, to wit: On one thousand dollars

thereof from the twenty-first day of June eighteen hundred and thirty-three; on four hundred from the fourteenth day of October, eighteen hundred and thirty-three, and on eight hundred from the tenth of March, eighteen hundred and thirty-five, until the passage of this act. And that the said Secretary in like manner, pay to the said Alvarez Fisk, the sum of two thousand five hundred and fifty dollars and forty-five cents, with six per cent. interest thereon, as follows, to wit: On one thousand dollars from the twenty-first day of June, eighteen hundred and thirty-three; on one hundred and fifty dollars from the nineteenth of August, eighteen hundred and thirty-three; on two hundred dollars and forty-five cents from the eighth of October, eighteen hundred and thirty-three; and on eight hundred dollars from the tenth of March, eighteen hundred and thirty-five, until the passage of this act; said several sums being for moneys by the said Eskridge and Fisk paid to the United States, for land, by them respectively entered in township eight north, of range eight east, in the Batesville and Helena districts, in the Territory of Arkansas, and which entries are void, by reason of said lands not being subject to private entry.

No. 2591.—AN ACT for the relief of James Brewer, of Ohio.

May 9, 1840.
Vol. 6, p. 797.

Be it enacted, &c., That the Secretary of the Treasury pay, out of any money in the Treasury not otherwise appropriated, to James Brewer, of Tuscarawas County, Ohio, or to his legal representatives, one hundred dollars, being the amount by him paid to the United States on the thirtieth day of January, anno Domini one thousand eight hundred and thirty-two, with interest from that date, at the land office in Zanesville, Ohio, for the west half of the southwest quarter of section number fourteen, in township number eight, range number three, in the Zanesville land district, and for which said land the United States cannot make the said James Brewer a title.

Payment for
land to be refund-
ed, with interest.

No. 2592.—AN ACT supplemental to the act entitled "An act to grant pre-emption rights to settlers on the public lands," approved June twenty-second, eighteen hundred and thirty-eight.

June 1, 1840.
Vol. 5, p. 382.

Be it enacted, &c., That in all cases where a settler on the public lands may reside or have his dwelling-house upon one quarter-section, and cultivate land on another and different quarter-section, such settler may make his election under the act to which this is a supplement, to enter either of said quarter-sections, or legal subdivisions of each, so as not to exceed one quarter-section in all.

In cases of res-
idence on one
quarter-section,
and cultivation
of land on an-
other.

SEC. 2. *And be it further enacted,* That in all cases where an individual may have made an improvement on the public land, and had afterward leased or rented such improvement to another person, who was in possession of the same on the twenty-second of June, eighteen hundred and thirty-eight, and for the period of four months next preceding, or when the lessor and lessee, together, occupied such improvement during said four months, the person who made such improvement, and so rented or leased the same, shall be entitled to the right of pre-emption, notwithstanding he may have been out of possession of his improvement during said four months, or any part thereof.

In cases of im-
provement made
by one person,
and leased or
rented to an-
other.

SEC. 3. *And be it further enacted,* That every settler on the public lands, which were not surveyed at the passage of the act to which this is a supplement, and who, since the survey of such public lands has been ascertained to have resided at the date of said act, and for four months preceding, on a sixteenth section, set apart for the support of schools in any township, shall be entitled to enter at the minimum price any other quarter-section of the public lands lying in the same land district, to which no other person has the right of pre-emption, on making satisfactory proof of his or her residence as aforesaid on such sixteenth section, before the register and receiver of the land office of said district.

Certain lands
not surveyed, &c.

SEC. 4. *And be it further enacted,* That every person who may have been a settler, within the meaning of the act to which this is a supplement, on any public land before its selection by any State for the purposes of a seminary of learning, under any act of Congress authorizing such selection, on satisfactory proof of the facts before the register and receiver of the district in which his improvements were situated, shall

Persons who
settled on any
public land be-
fore its selection
by any State for
a seminary of
learning.

be permitted to enter at the minimum price, any other quarter-section lying in the same land district, to which no other person has the right of pre-emption.

The act of 22d June, 1838, continued till 22d June, 1842.

Right of pre-emption extended.

SEC. 5. *And be it further enacted*, That the "Act to grant pre-emption rights to settlers on the public lands," approved, June twenty-second, eighteen hundred and thirty-eight, be, and the same is hereby, continued in full force till the twenty-second day of June, eighteen hundred and forty-two; and the right of pre-emption, under its provisions, shall be, and hereby is, extended to all settlers on the public lands at the date of this act, with the same exceptions, whether general or special, and subject to all the limitations and conditions contained in the above-recited act, and with the explanatory provisions of the preceding sections of this act; and nothing in the last proviso of the act of the twenty-second of June, eighteen hundred and thirty-eight, shall be so construed as to defeat any right of pre-emption accruing under said act, or under this act, or under any preceding act of Congress, nor shall said pre-emption claims be defeated by any contingent Choctaw location. (a)

(a) See Nos. 2469, 2471, 2475, 2519, 2522, 2526, 2527, 2529, 2535, 2539, 2543, 2555, 2560, 2601, 2614.

July 20, 1840.
Vol. 6, p. 810.

Further time for the sale of lands allowed.

No. 2593.—AN ACT allowing further time to the trustees of Centre College to dispose of the land heretofore granted to the deaf and dumb asylum, in the State of Kentucky.

Be it enacted, &c., That the further time of two years, from and after the fifth day of April, one thousand eight hundred and forty, be, and the same is hereby, allowed to the trustees of Centre College, at Danville, in the State of Kentucky, to dispose of the lands heretofore granted to the deaf and dumb asylum, in said State of Kentucky. (a)

(a) See Nos. 2503, 2508, 2520, 2553, 2558, 2595, 2604, 2620, 2626, 2657.

March 3, 1841.
Vol. 5, p. 416.

Certain patents confirmed.

No. 2594.—AN ACT to confirm land patents.

Be it enacted, &c., That all patents for public lands, which have been issued from the General Land Office since the passing of the act, entitled "An act for the establishment of a General Land Office in the Department of the Treasury," passed on the twenty-fifth day of April, one thousand eight hundred and twelve, in the name of the President of the United States, instead of being "in the name of the United States," as prescribed in the eighth section of said act: and all patents for public lands, which have been issued from the said General Land Office since the passing of the act entitled "An act to reorganize the General Land Office," passed the fourth day of July, one thousand eight hundred and thirty-six, and which have been countersigned by the recorder of the General Land Office, or other person acting in his stead, instead of being countersigned by the Commissioner of the General Land Office, as prescribed in the act of the twenty-fifth day of April, one thousand eight hundred and twelve; and all patents which have been issued from said General Land Office since the passing of the act entitled "An act prescribing the mode by which patents for public lands shall be signed and executed," passed the second day of March, one thousand eight hundred and thirty-three, and which have been subscribed by a secretary duly appointed, pursuant to the provisions of said act, with the printed or written name of the President prefixed to the personal signature of such secretary, in the execution of such patents, notwithstanding the name of the President may not have been written personally by the secretary, shall be deemed, taken, and held, good and valid patents in law, and shall have all the force and effect to pass from the United States to the patentee or patentees named in such patents, respectively, their heirs, executors, administrators, and assigns, the lands described therein, as though, in each and all the respects before enumerated, the patents, in their form and manner of execution, had conformed to the requirements of law.

Patents, how to be countersigned.

SEC. 2. *And be it further enacted*, That from and after the passing of this act, it shall be the duty of the recorder of the General Land Office, in addition to the duties now required of him by law, to countersign all patents issued from said office, instead of the same being counter-

signed by the Commissioner, as required by the eighth section of the act entitled "An act for the establishment of a General Land Office in the Department of the Treasury," passed the twenty-fifth day of April, one thousand eight hundred and twelve.

No. 2595.—AN ACT to extend the time for selling the lands granted to the incorporated Kentucky Asylum for teaching the deaf and dumb.

April 14, 1842.
Vol. 6, p. 328.

Be it enacted, &c., That the further time of five years, from and after the time heretofore allowed, be, and the same is hereby, allowed and permitted the trustees of the Centre College of Kentucky, who are also trustees of the Kentucky Asylum for teaching the deaf and dumb, to sell the lands heretofore granted said trustees, for the use and benefit of said asylum, by any act of Congress heretofore passed: *Provided,* That if that portion of the said township of land which has been located in the State of Arkansas be not sold within two years from the fifth day of April, eighteen hundred and forty-two, the same shall revert to the United States, and be subject to be disposed of by the President of the United States as other public lands, any act of Congress to the contrary notwithstanding. (a)

Further time allowed for the sale of lands.

Proviso.

(a) See Nos. 2503, 2508, 2520, 2533, 2558, 2593, 2604, 2620, 2626, 2657.

No. 2596.—AN ACT for the relief of Elizabeth Pearce and Mary M. Telfair, daughters and heirs of Israel Pearce.

June 4, 1842.
Vol. 6, p. 829.

Be it enacted &c., That the Secretary of War is authorized, and he is hereby required, to issue to Elizabeth Pearce and Mary M. Telfair, jointly, seven United States military land-bounty warrants, of one hundred acres each, which appear to be due to the following named individuals, for their services as private soldiers in a Rhode Island regiment, in the war of the Revolution, and their right to which they, each and all of them, assigned, in April, seventeen hundred and eighty-four, to Israel Pearce, father of the aforesaid Elizabeth Pearce and Mary M. Telfair, namely: Robert Allen, Marks Barrons, Casar Finch, Ichabod Howard, Joseph Wheeler, Hugh McDugal, and Jabez Remington, who each and all appear to be entitled to land bounty, but who assigned their right, as aforesaid, to Israel Pearce: *Provided,* The said Elizabeth Pearce and Mary M. Telfair shall, on the delivery to them of the land warrants aforesaid, execute and lodge with the Secretary of War their joint bond, with approved security, to indemnify the United States against the legal claim of all other persons to the said warrants.

Seven military bounty-land warrants to be issued.

Proviso.

No. 2597.—AN ACT for the relief of Jesse Carpenter.

June 27, 1842.
Vol. 6, p. 833.

Be it enacted, &c., That the receiver of public moneys in the land office at Montgomery, Alabama, be, and he is hereby, required to refund to Jesse Carpenter, of Russell County, in said State, the purchase money heretofore paid by Joshua Threadgill, for the west half of the south-east quarter of section thirty-four, in township seventeen, of range twenty-seven, in the district of lands subject to sale at the aforesaid land office: *Provided,* Said Carpenter shall first produce the certificate of purchase, issued to said Threadgill, together with satisfactory proof that he, the said Carpenter, holds the same by fair, legal, or equitable transfer from said Threadgill; and shall also surrender said certificate to be cancelled.

Purchase money for land to be refunded.

Proviso.

No. 2598.—JOINT RESOLUTION for the benefit of George Schnabel and Robert Barber, jr.

July 27, 1842.
Vol. 6, p. 876.

Whereas it appears that on the sixteenth day of September, eighteen hundred and thirty-six, George Schnabel deposited in the Treasury of the United States, under the provisions of the second section of the act making further provision for the sale of public lands, approved the twenty-fourth of April, eighteen hundred and twenty, the sum of two thousand dollars in gold, for which he received from the Treasurer of the United States ten receipts or certificates, of two hundred dollars

Preamble.

each, numbered from three hundred and five to three hundred and fourteen inclusive; and that Robert Barber, jr., on the same day and in the same manner, deposited the sum of one thousand dollars, for which he received five like receipts or certificates, of two hundred dollars each, numbered from three hundred and twenty to three hundred and twenty-four, inclusive; and whereas the said section of the act aforesaid is so construed by the Treasury Department that the said receipts or certificates are not assignable or transferable: Therefore,

Be it resolved, &c., That the Commissioner of the General Land Office be directed to endorse upon the said receipts or certificates, that the same are receivable from the said George Schnabel and Robert Barber, jr., or his or their assignee or assignees, in payment for any public lands which may be sold at public sale or at private entry; and the several receivers are hereby authorized and required to receive the same for public lands sold as aforesaid.

Certain receipts made receivable for public lands.

Aug. 11, 1842.
Vol. 6, p. 853.

No. 2599.—AN ACT for the relief of Beckford C. Mathews.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause to be issued to Beckford C. Mathews, vendee and heir at law of Daniel Mathews, a soldier of the New Hampshire line of the war of the Revolution, a duplicate of land warrant number one thousand one hundred and thirty-eight, for one hundred acres of land; which land warrant was issued to said Daniel Mathews in his lifetime, and lost without having been located.

A duplicate land warrant to issue to him.

Aug. 11, 1842.
Vol. 6, p. 860.

No. 2600.—AN ACT for the relief of Isabella Hill, widow, and John Hill, Elizabeth Hill, and Samuel Hill, children and minor heirs at law of Samuel Hill, deceased.

Be it enacted, &c., That there be allowed and paid to Isabella Hill, widow, and John Hill, Elizabeth Hill, and Samuel Hill, children and minor heirs of Samuel Hill, late of the county of Monroe, and State of Illinois, deceased, or their legal representatives, out of any money in the Treasury of the United States not otherwise appropriated, the sum of six hundred and forty dollars, the amount of consideration money paid by the said Samuel Hill to the United States in his lifetime, for three hundred and twenty acres of land, purchased at the land office at Kaskaskia, in said State, from which said tract of land the said Isabella Hill, widow, and the said John Hill, Elizabeth Hill, and Samuel Hill, children and minor heirs of the said Samuel Hill, deceased, were ejected (the said Samuel Hill having died during the pendency of said suit) by the decision of the supreme court of the State of Illinois, at the December term of the said court, in the year eighteen hundred and twenty-nine, in favor of Jonathan Moore and others, heirs at law of George Lunceford, who claimed title under a confirmation and patent made to Nicholas Jarrot, by General Arthur St. Clair, then governor of the territory northwest of the Ohio River, on the twelfth day of February, seventeen hundred and ninety-nine.

Said money, how to be paid and distributed.

SEC. 2. *And be it further enacted,* That the said sum of money be paid to Isabella Hill, widow, as aforesaid, for herself, and as guardian for the said minor heirs of the said Samuel Hill, deceased, to be accounted for and distributed among the said persons concerned, according to the laws of Illinois, in cases of the distribution of the personal property of such persons as die intestate in said State.

Aug. 26, 1842.
Vol. 5, p. 534.

No. 2601.—AN ACT to confirm the sale of public lands in certain cases.

Be it enacted, &c., That in all cases when any entry has been made, under the pre-emption laws, of land which was public land, subject to sale at the date of such entry, and when patents for the same have not been issued from the General Land Office, because of the original tract claimed, or the float arising therefrom, exceeding the quantity specified in the law, or when the adjudication has been made by the receiver and the clerk of the register, acting in the stead of the register, or when the proof upon which the claim is founded is not in the form, nor full, as to all the facts required by law, but substantially so, such entries and sales are hereby confirmed, and patents shall be issued thereon, as in

Patents to be issued for tracts entered under the pre-emption laws, but withheld on account of the quantity exceeding that specified in the laws, &c.

other cases: *Provided*, That the Secretary of the Treasury shall be satisfied that such entries have been in other respects fair and regular, and that the evidence sustains the claim; that they are not contested by other persons claiming the same, and that no fraud shall appear in them: *And provided, also*, That the act of fourth September, eighteen hundred and forty-one, entitled "An act to appropriate the proceeds of the sales of public lands, and to grant pre-emption rights," shall be so construed as not to confer on any one a right of pre-emption by reason of a settlement made on a tract heretofore sold under a prior pre-emption law, or at private entry, when such prior pre-emption or entry has not been confirmed by the General Land Office, on account of any alleged defect therein, and when such tract has passed into the hands of an innocent and bona-fide purchaser. (a)

Proviso.

Proviso: act Sept. 4, 1841 not to confer a right of pre-emption by reason of settlement on a tract heretofore sold.

(a) See Nos. 2469, 2471, 2475, 2519, 2522, 2526, 2527, 2529, 2535, 2539, 2543, 2555, 2560, 2592, 2614.

No. 2602.—AN ACT for the relief of Elisha Burnet.

Aug. 29, 1843.
Vol. 6, p. 869.

Be it enacted, &c., That Elisha Burnet, of the State of Ohio, late a private of the Fortieth Regiment of Infantry in the late war with Great Britain, or his legal representatives, be, and they are hereby, authorized to locate at the proper land office, military land-warrant number twenty-three thousand three hundred and four, issued to him for his services, on one quarter-section of any of the public lands subject to private entry, and not in the occupancy of any actual settler: *Provided*, The same shall be located within two years from the date of this act.

Authorized to locate a certain military land-warrant.

Proviso.

No. 2603.—AN ACT granting to James Lowe one thousand dollars and a section of land.

March 1, 1843.
Vol. 6, p. 886.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to Captain James Lowe, of Westmoreland County, Virginia, one thousand dollars, out of any moneys in the Treasury not otherwise appropriated, and to issue to said Lowe a warrant for one section of land, to be located on any of the public land subject to private entry; the same being granted to the said James Lowe as a testimonial to him of the consideration in which Congress hold his gallantry and peril, in the rescue of an American brig, her crew, and passengers, from the hands of pirates.

Grant of money and land to him for rescuing an American vessel from pirates.

No. 2604.—AN ACT to transfer to the trustees of Centre College, in Kentucky, the lands heretofore granted to the Kentucky Asylum for teaching the deaf and dumb.

March 3, 1843.
Vol. 6, p. 894.

Be it enacted, &c., That all grants of lands heretofore made, and patents issued by virtue of any act, to "the incorporated Kentucky Asylum for the education of the deaf and dumb," shall enure to, and be accepted and construed to have enured to, "the trustees of the Centre College of Kentucky;" and the said trustees of the Centre College of Kentucky are hereby vested with all faculties and functions, privileges, powers, and rights, that any grant or patent for lands may have, or been supposed to have, vested and conferred upon "the incorporated Kentucky Asylum for the education of the deaf and dumb:" *Provided, however*, That nothing herein contained shall be construed to divert the funds the proceeds of said lands, or the lands, from the purposes and intention of the original grant. (a)

Lands granted to the Kentucky Asylum transferred to Centre College.

Proviso.

(a) See Nos. 2503, 2508, 2520, 2533, 2558, 2593, 2595, 2620, 2626, 2637.

No. 2605.—AN ACT for the relief of the legal representatives of John Peters, deceased.

March 3, 1843.
Vol. 6, p. 898.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to issue to the legal representatives of John Peters, deceased, a duplicate of warrant number one thousand nine hundred and twenty-two, for one hundred acres of land, bearing date the sixth March, one thousand eight hundred and thirty-three, issued in favor of John Peters and Sarah Farnum, as heirs at law of the said John Peters; and the same, when issued, shall in every respect, have the same force and effect as the original warrant, which original warrant is hereby declared to be null and void.

A duplicate land warrant to be issued.

March 3, 1843. **No. 2606.**—AN ACT for the relief of Mary McGee and Susan Pierce, heirs at law of George Neilson.

Authorized to enter certain land. *Be it enacted, &c.,* That Mary McGee and Susan Pierce, heirs at law of George Neilson, deceased, a soldier of the late war, be, and they are hereby, authorized to enter free of cost, one quarter-section of one hundred and sixty acres of any of the public lands subject to sale at private entry, and that a patent issue to them for the same, which quarter-section shall be taken for and in full consideration of the land bounty to which the said George Neilson would be entitled if living.

March 3, 1843. **No. 2607.**—AN ACT for the relief of Hugh Riddle, of the State of New York.

A bounty-land warrant to be issued. *Be it enacted, &c.,* That the Secretary of War cause to be issued to Hugh Riddle, of the State of New York, a warrant for one hundred and sixty acres of military bounty land, according to the provisions of [an act] entitled "An act for completing the existing military establishment," passed the twenty-fourth of December, one thousand eight hundred and eleven.

March 3, 1843. **No. 2608.**—AN ACT for the relief of John McGinnis, a soldier in the late war.

Bounty land warrant to issue. *Be it enacted, &c.,* That the Secretary of War issue to John McGinnis a land warrant for military bounty land, for his services during the late war.

June 15, 1844. **No. 2609.**—AN ACT for the relief of Henry Newingham.

Land warrant to be issued to him. *Be it enacted, &c.,* That the Secretary of War be, and he hereby is, directed to issue to Henry Newingham, in the right of William Marshall, who was a private soldier in Armand's legion of the continental establishment in the revolutionary army, a warrant for the bounty land to which the said Marshall would be entitled as such soldier; and that the Secretary of the Treasury be directed to grant scrip for said warrant, in the manner, and on the conditions heretofore prescribed for the grant of scrip for bounty land: the said Marshall having intermarried with the mother of said Newingham, and died without lineal heirs: and having in his lifetime been supported by the said Newingham, and in consideration thereof, before his death, delivered to him his original certificate of discharge from the army, and declared his intention that the said Newingham should have the benefit of said bounty land: *Provided,* That nothing in this act shall be so construed as to prejudice the claim of any heirs, if any, of said Marshall.

Proviso.

June 17, 1844. **No. 2610.**—AN ACT for the relief of the heirs of Ebenezer Moore.

A bounty-land warrant to be issued. *Be it enacted, &c.,* That the Secretary of War cause to be issued to the heirs of Ebenezer Moore, of the State of New York, a Canadian volunteer, a warrant for one hundred and sixty acres of bounty land, under the act passed March fifth, one thousand eight hundred and sixteen, entitled "An act granting bounties in land and extra pay to certain Canadian volunteers," and the act passed March third, one thousand eight hundred and seventeen, entitled "An act to amend the act entitled 'An act granting bounties in land and extra pay to certain Canadian volunteers,' passed the fifth day of March, one thousand eight hundred and sixteen;" which warrant may be located on any unappropriated land of the United States which is subject to private entry.

June 17, 1844. **No. 2611.**—AN ACT for the benefit of the heirs of Christopher Miller.

Authorized to enter certain land. *Be it enacted, &c.,* That Isaiah Miller, Mary W. Walls, Elizabeth P. Moreland, Gilley C. Bethall, Christopher Wayne Miller, Kitty Ann Thomas, Margaret A. Showers, Christopher Wayne Thomas, Isaac Hardin Thomas, and Charles Henry Thomas, all of the State of Kentucky, and heirs at law of Christopher Miller, deceased, late of said State, be,

and they are hereby, authorized to enter, without charge or payment, on any vacant or unappropriated lands of the United States now subject by law to private entry, one quarter-section of land, each of the first seven named heirs separately, and the three last-named heirs one quarter-section jointly; and that a patent shall issue therefor, according to the provisions of the general law.

No. 2612.—AN ACT for the relief of Mary M. Telfair.

June 17, 1844.
Vol. 6, p. 931.

Be it enacted, &c. That warrants for the bounty lands due to Tobias Briggs and Isaac Curtis, privates in the Rhode Island line, for revolutionary services, shall be made out by the proper officers, and delivered to Mrs. Mary M. Telfair, the only heir and legal representative of Israel Pearce, deceased, who appears to have purchased the right to said bounty lands of the said Briggs and Curtis: *Provided*, That before said warrants shall be delivered to said Mrs. Telfair, she shall execute her own bond to the United States, with good and sufficient security, in such sum as the Secretary of War shall require, to indemnify the said United States against the claim of any other person or persons to said lands.

Certain bounty land warrants to be given to her.

Proviso.

No. 2613.—AN ACT for the relief of Stanley White.

March 3, 1845.
Vol. 6, p. 939.

Whereas, Stanley White purchased of the United States, at the Fort Wayne land office, in the State of Indiana, the west half of section number thirty, in township number thirty north, of range ten east, containing three hundred and thirty-one acres and sixty-one hundredths of an acre, by paying therefor to John Spencer, the receiver of public moneys at said land office, the sum of four hundred and fourteen dollars and fifty cents, and receiving therefor, from said receiver, his duplicate receipt for said sum, and describing said land, bearing date the eighteenth day of July, eighteen hundred and thirty-six: and whereas, also, prior to said entry of said half-section of land by the said Stanley White, to wit, on the twelfth day of July, anno Domini eighteen hundred and thirty-six, one Charles H. Lewis entered at said office the southwest quarter of said section thirty, township thirty north, of range ten east, being the south half of said half-section, containing one hundred and sixty-seven acres and thirty-six hundredths of an acre, for which he paid two hundred and nine dollars and twenty cents; and for which said last-mentioned quarter-section a patent has been issued to the said Charles H. Lewis: and whereas, also, the said officers of said land office made no return of said purchase by said Stanley White, except for the northwest quarter of said section, containing one hundred and sixty-four acres and twenty-four hundredths of an acre, whereby the Commissioner of the General Land Office is unable to order the refunding the said sum of two hundred and nine dollars and twenty cents to the said Stanley White; and the said John Spencer is represented and believed to be totally insolvent: Therefore—

Preamble.

Be it enacted, &c. That the Secretary of the Treasury be, and he is hereby, directed to pay to the said Stanley White, his assigns, or legal representatives, the said sum of two hundred and nine dollars and twenty cents, out of any moneys in the Treasury not otherwise appropriated.

Payment to him.

No. 2614.—AN ACT to repeal a part of the act entitled "An act supplementary to the several laws for the sale of the public lands," approved April fifth, one thousand eight hundred and thirty-two, and for other purposes.

May 8, 1846.
Vol. 9, p. 9.

Be it enacted, &c. That, from and after the passage of this act, the second proviso to the act entitled "An act supplementary to the several laws for the sale of the public lands," approved April fifth, one thousand eight hundred and thirty-two, which is as follows, viz., "That no person shall be permitted to enter more than one-half quarter-section of land under this act in quarter quarter-sections, in his own name, or in the name of any other person, and in no case, unless he intends it for cultivation, or for the use of his improvement. And the person making application to make an entry under this act shall file his or her affidavit under such regulations as the Secretary of the Treasury may prescribe,

Repeal of the 2d proviso in the act of 1832, permitting entries, &c., of land.

that he or she makes the entry in his or her own name, for his or her own benefit, and not in trust for another," shall be, and the same is hereby, repealed; and all entries, selections, or locations of lands now suspended in the General Land Office, because made contrary to the restrictions in this proviso, shall be, and they are hereby, confirmed, provided they are, in all other respects, fair and regular. (a)

(a) See Nos. 2469, 2471, 2475, 2519, 2522, 2526, 2527, 2529, 2535, 2539, 2543, 2555, 2560, 2592, 2601.

June 19, 1846.
Vol. 9, p. 651.

No. 2615.—AN ACT for the relief of Asenath Canney.

Be it enacted, &c., That the Secretary of War cause to be issued to Asenath Canney, formerly Asenath Nayson, a warrant for two hundred acres of land, in the place of land warrant number eight hundred and ninety-five, heretofore issued in the name of Ruth Quinby, the devisee of Nathaniel Nayson, late of South Berwick, in the county of York, and State of Maine, deceased, who was a lieutenant in the Massachusetts continental line; which warrant, so heretofore issued, is now lost, and the right to which land was heretofore given by Ruth Ranson to said Asenath.

July 15, 1846.
Vol. 9, p. 653.

No. 2616.—AN ACT for the relief of Semington Buffenbarger.

Be it enacted, &c., That the sum of fifty dollars, out of any moneys in the Treasury not otherwise appropriated, to be paid to Semington Buffenbarger, of South Charleston, in the county of Clark, in the State of Ohio, it being for money wrongfully received by the receiver of the land office at Waupaukonetta district, in the said State of Ohio, for the northeast quarter of the northeast quarter of section four, in township number six south, of range number eight east.

Aug. 8, 1846.
Vol. 9, p. 663.

No. 2617.—AN ACT for the relief of the heirs or legal representatives of Thomas Kelly.

Be it enacted, &c., That the Commissioner of the General Land Office be, and is hereby, authorized to issue to the legal representatives of Thomas Kelly a duplicate warrant in lieu of warrant number nine hundred and fifty-nine, for one hundred acres of land.

Aug. 8, 1846.
Vol. 9, p. 664.

No. 2618.—AN ACT for the relief of William Moss.

Be it enacted, &c., That the Commissioner of the General Land Office shall be, and is hereby, authorized and required to issue a warrant in favor of William Moss, for six hundred and forty acres of land, to be located upon any unlocated land belonging to the United States, and now subject to entry.

Aug. 8, 1846.
Vol. 9, p. 668.

No. 2619.—AN ACT for the relief of Solomon Russell, of the county of Somerset, in the State of Maine.

Be it enacted, &c., That the Commissioner of the General Land Office be, and he is hereby, authorized and required to issue to Solomon Russell a duplicate to land warrant number seven hundred and five; and that said Russell have leave to locate the same upon any vacant land belonging to the United States, subject to private entry, so as not to interfere with preëmption rights.

Feb. 18, 1847.
Vol. 9, p. 684.

No. 2620.—AN ACT to extend the time for selling the lands granted to the Kentucky Asylum for teaching the deaf and dumb.

Be it enacted, &c., That the further time of five years, from and after the expiration of that time heretofore allowed, be, and the same is hereby, allowed and permitted the trustees of the Centre College of Kentucky, who are also trustees of the Kentucky Asylum for teaching

the deaf and dumb, to sell the lands heretofore granted said asylum, and confirmed to said trustees for the use of said asylum by acts of the Congress heretofore passed: *Provided*, That the provisions of this act shall not extend to any lands, heretofore granted, lying in the State of Arkansas. (a)

(a) See Nos. 2503, 2508, 2520, 2553, 2558, 2593, 2595, 2604, 2626, 2657.

No. 2621.—AN ACT for the relief of the legal heirs of John Snyder, deceased.

June 26, 1848.
Vol. 9, p. 719.

Be it enacted, f.c., That the legal heirs of John Snyder, deceased, a private of Captain Sadlier's company of the Sixth Regiment of Infantry, who enlisted the twelfth of June, eighteen hundred and twelve, for five years, and died whilst in service, on the twenty-seventh of January, eighteen hundred and thirteen, be, and they are hereby, authorized to enter at the proper land office in any of the States and Territories in which the same may lie, one hundred and sixty acres of land.

No. 2622.—AN ACT for the relief of Amzy Judd.

Aug. 5, 1848.
Vol. 9, p. 729.

SEC. 2. And be it further enacted, That the Commissioner of the General Land Office shall be, and is hereby, authorized and required to issue a warrant in favor of Amzy Judd, for one hundred and sixty acres of land, to be located upon any unlocated land belonging to the United States, and now subject to entry.

No. 2623.—AN ACT for the relief of Benjamin White.

Aug. 5, 1848.
Vol. 9, p. 731.

Be it enacted, f.c., That the Secretary of War is hereby directed and authorized to give to Benjamin White a land warrant for one hundred and sixty acres of land for military services rendered by him in the late war with Great Britain, which warrant may be located on any quarter-section of public land now open to private entry.

No. 2624.—AN ACT for the relief of Captain Dan Drake Henrie.

Jan. 26, 1849.
Vol. 9, p. 755.

Be it enacted, f.c., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Captain Dan Drake Henrie, the sum of two thousand dollars; and the proper officer shall issue to the said Henrie land warrants for two sections of land, to be located on any land subject to private land, being for his highly gallant and meritorious services in escaping from the Mexicans, at the hazard of his life, for the express purpose of conveying to the American forces, under General Taylor, news of the approach of large bodies of Mexican forces, under the command of General Santa Anna, which information he did so convey.

No. 2625.—AN ACT for the benefit of Peter M. Grant.

March 2, 1849.
Vol. 9, p. 768.

Be it enacted f.c., That the Commissioner of the General Land Office, on Peter M. Grant's returning to that office land warrant No. thirty thousand and ninety-one, for one hundred and sixty acres of land, and furnishing satisfactory evidence that Jacob Phillips left no kin entitled by law to the said land warrant, in consideration of the services of the said Phillips, deceased, shall issue another land warrant to said Peter M. Grant, executor and devisee of said Jacob Phillips, deceased, for one hundred and sixty acres in lieu of said warrant so to be returned, and shall be cancelled.

No. 2626.—AN ACT to extend the time for selling the lands granted to the Kentucky asylum for teaching the deaf and dumb.

March 11, 1852.
Vol. 10, p. 726.

Be it enacted, f.c., That the further time of five years, from and after the expiration of the time heretofore allowed, be, and the same is hereby allowed and permitted "the trustees of the Centre College of Kentucky,"

Kentucky Asylum for the deaf and dumb, to sell the lands heretofore granted said asylum, and confirmed to said trustees, for the use of said asylum, by acts of Congress heretofore passed. (a)

(a) See Nos. 2503, 2508, 2520, 2553, 2563, 2593, 2595, 2604, 2620, 2657.

Aug. 16, 1852.
Vol. 10, p. 734.

No. 2627.—AN ACT for the relief of Sergeant Leonard Skinner.

Military bounty-land warrant to issue to Leonard Skinner.

Be it enacted, &c., That the Secretary of the Interior cause to be issued to Leonard Skinner, late sergeant in Captain Newton's Company (B) of the United States regiment of mounted riflemen, a military bounty-land warrant for one hundred and sixty acres of land; and that the proper accounting officers of the Treasury be, and they are hereby directed and required to adjust his accounts and pay the same in the same manner as if he had been of age and regularly discharged by military authority.

His accounts to be adjusted and paid.

Jan. 25, 1853.
Vol. 10, p. 745.

No. 2628.—AN ACT for the relief of the widow and orphan children of Colonel William R. McKee, late of Lexington, Kentucky.

A quarter-section of the said McKee, there shall be, and hereby is, granted one quarter-section of land, to be located upon any vacant land of the United States, and to be located where and in such manner as the President of the United States shall direct.

SEC. 2. And be it further enacted, That to each of the orphan children of the said McKee, there shall be, and hereby is, granted one quarter-section of land, to be located upon any vacant land of the United States, and to be located where and in such manner as the President of the United States shall direct.

March 3, 1853.
Vol. 10, p. 761.

No. 2629.—AN ACT for the relief of Jasper A. Maltby.

Land warrant to issue to Jasper A. Maltby.

Be it enacted, &c., That the Commissioner of Pensions be, and he is hereby authorized and directed to issue to Jasper A. Maltby, his heirs or assigns, a certificate or warrant for one hundred and sixty acres of land, in conformity with an act of eleventh February, eighteen hundred and forty-seven, entitled "An act to raise for a limited time, an additional military force, and for other purposes."

March 3, 1853.
Vol. 10, p. 767.

No. 2630.—AN ACT for the relief of William H. Wells, and others.

Land warrant to issue to William H. Wells, Edmund Wells, and Sally Wells.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to issue a land warrant for one hundred and sixty acres of land to William H. Wells, Edmund Wells, and Sally Wells, heirs at law of Lemuel Wells, deceased, to be located on any of the unappropriated lands of the United States which have been offered for sale and are subject to private entry, at one dollar and twenty-five cents per acre; which shall be in full compensation for all services rendered by said Lemuel Wells, deceased, as a soldier in the late war with Great Britain.

March 1, 1854.
Vol. 10, p. 774.

No. 2631.—AN ACT for the relief of Mrs. Elizabeth C. Smith, of Missouri.

Warrant for 160 acres of land to issue to E. C. Smith.

SEC. 2. And be it further enacted, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to Mrs. Elizabeth C. Smith, of Missouri, a warrant for one hundred and sixty acres of land, in accordance with the ninth section of the act approved eleventh February, eighteen hundred and forty-seven, for her services as recited in the foregoing section of this act, in the same manner as if she had served out the full term of her enlistment.

July 27, 1854.
Vol. 10, p. 794.

No. 2632.—AN ACT for the relief of Ira Baldwin.

A warrant for 320 acres of land to be issued to Ira Baldwin.

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to issue a land warrant, for three hundred and twenty acres of land, to Ira Baldwin, a Canadian volunteer, to be located on any of the unappropriated lands of the United States which have been offered for sale, and are subject to entry; and also that the Secretary of the Treasury pay the said Ira Baldwin, one hundred and eighty dollars, for three months' extra pay, all which shall be full compensation for the services of said Baldwin in the late war with Great Britain.

\$180 to be paid to said Baldwin.

No. 2633.—AN ACT for the relief of Joseph Mitchell.July 27, 1854.
Vol. 10, p. 795.

Be it enacted, &c., That the proper officers of the Government be, and they are hereby, authorized and directed to examine the claim of Joseph Mitchell, of the State of Maine, a soldier in the late war with Great Britain, for bounty land and for arrearages of pay and bounty, and that they issue to him a warrant for such land, and pay him such arrearages as would be his due if he had received an honorable discharge on the expiration of his term of enlistment at the close of the war.

A warrant for bounty land and back pay to be made to Joseph Mitchell.

No. 2634.—AN ACT for the relief of Gaston T. Raoul.Aug. 1, 1854.
Vol. 10, p. 806.

Be it enacted, &c., That Gaston T. Raoul be, and he is hereby, authorized to enter, free of cost, six hundred and forty acres of land, according to legal subdivisions, on any of the public lands of the United States, subject to entry at private sale; which said six hundred and forty acres of land, when so entered, shall be in full compensation for claim number four hundred and fifty-six of the report of James O. Cosby, dated June seven, eighteen hundred and thirteen, and for which a certificate of confirmation, number one hundred and sixty-eight, was issued on the twenty-fourth of January, eighteen hundred and thirty-eight, by the register and receiver of the land office, for the John Core claim, for his son, a minor, in the parish of Livingston, State of Louisiana.

Gaston T. Raoul authorized to enter, free of cost, 640 acres of land on the lands of the United States subject to private sale.

To be in full compensation for certain other land claim.

When patent to be issued.

SEC. 2. *And be it further enacted,* That, upon the receipt of the certificates of entry from the proper land office, the Commissioner of the General Land Office shall cause a patent to be issued therefor to the said Gaston T. Raoul.

No. 2635.—JOINT RESOLUTION giving one hundred and sixty acres of land to Francis M. Gwin, of Indiana.Aug. 1, 1854.
Vol. 10, p. 830.

Be it resolved, &c., That the Secretary of the Interior be, and he is hereby directed to issue to Francis M. Gwin, of New Albany, Indiana, a land warrant for one hundred and sixty acres of land, in consideration of his gallant services in serving during the Mexican war whilst he was a minor.

Land warrant for 160 acres to issue to Francis M. Gwin.

No. 2636.—AN ACT for the relief of Sylvanus Culver.Aug. 3, 1854.
Vol. 10, p. 814.

Be it enacted, &c., That a land warrant for one hundred and twenty acres shall be issued to Sylvanus Culver, the only surviving heir of John Pearson, deceased, in lieu of a land warrant for one hundred acres, issued on the nineteenth day of April, eighteen hundred and six, to Samuel Pearson, in trust for himself and the other heirs of John Pearson, deceased, who was a private in the New York continental line, and which warrant has been lost or destroyed.

A warrant for 120 acres of land to be issued to S. Culver.

No. 2637.—AN ACT for the relief of Mary H. Cushing.Aug. 3, 1854.
Vol. 10, p. 816.

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and required to issue to Mary H. Cushing, daughter of John Wainright Cushing, deceased, a soldier of the war of eighteen hundred and twelve, a warrant for so much military bounty land as the said John Wainright Cushing would be entitled to receive were he now living.

Land warrant to issue to Mary H. Cushing.

No. 2638.—AN ACT for the relief of Patrick Gass.Aug. 4, 1854.
Vol. 10, p. 820.

Be it enacted, &c., That the proper officers of the Government be, and they are hereby, authorized and required to issue to Patrick Gass a warrant for three hundred and twenty acres of land, which warrant may, at the option of the said Gass or his assignee, be located on any public lands of the United States subject to private entry.

Land warrant for 320 acres to issue to Patrick Gass.

No. 2639.—AN ACT for the relief of the legal representatives of John Rice Jones, deceased.Aug. 4, 1854.
Vol. 10, p. 820.

Be it enacted, &c., That the legal representatives of John Rice Jones, deceased, be, and they are hereby, authorized to locate, in legal divisions and subdivisions, not less than one hundred and sixty acres, an area of three thousand four hundred and eighty-five acres, on any of the public lands which shall have been offered at public sale, and may

Representatives of J. R. Jones, authorized to locate 3,485 acres.

Such location to be in full of claim. shall be subject to private entry: *Provided*, That the location under this act shall be taken and held as in full satisfaction of the claims of said Jones, which are entered as numbers twelve hundred and eighty-five and twelve hundred and eighty-six, in the report dated January fourth, eighteen hundred and thirteen, of the Kaskaskia commissioners; and, on a proper return being made to the General Land Office, from the district land office, of a location in conformity to this act, a patent shall issue: *Provided always*, That no location shall be made upon mineral land or lands reserved for the use of schools, or for military purposes.

Aug. 4, 1854.
Vol. 10, p. 574. **No. 2640.**—AN ACT to graduate and reduce the price of the public lands to actual settlers and cultivators.

Graduation of price of public lands. *Be it enacted, &c.*, That all of the public lands of the United States which shall have been in market for ten years or upwards, prior to the time of application to enter the same under the provisions of this act, and still remaining unsold, shall be subject to sale at the price of one dollar per acre; and all of the lands of the United States that shall have been in market for fifteen years or upwards, as aforesaid, and still remaining unsold, shall be subject to sale at seventy-five cents per acre; and all of the lands of the United States that shall have been in market for twenty years or upwards, as aforesaid, and still remaining unsold, shall be subject to sale at fifty cents per acre; and all of the lands of the United States that shall have been in the market for twenty-five years and upwards, as aforesaid, and still remaining unsold, shall be subject to sale at twenty-five cents per acre; and all lands of the United States that shall have been in market for thirty years or more, shall be subject to sale at twelve-and-a-half cents per acre; *Provided*, This section shall not be so construed as to extend to lands reserved to the United States, in acts granting land to States for railroad or other internal improvements, or to mineral lands held at over one dollar and twenty-five cents per acre.

How far this section is to apply. **SEC. 2.** *And be it further enacted*, That upon every reduction in price under the provisions of this act, the occupant and settler upon the lands shall have the right of pre-emption at such graduated price, upon the same terms, conditions, restrictions, and limitations, upon which the public lands of the United States are now subject to the right of pre-emption, until within thirty days preceding the next graduation or reduction that shall take place; and if not so purchased, shall again be subject to right of pre-emption for eleven months as before, and so on from time to time, as reductions take place: *Provided*, That nothing in this act shall be so construed as to interfere with any right which has or may accrue by virtue of any act granting pre-emption to actual settlers upon public lands.

Pre-emption rights in lands affected by this act. **SEC. 3.** *And be it further enacted*, That any person applying to enter any of the aforesaid lands shall be required to make affidavit before the register or receiver of the proper land office, that he or she enters the same for his or her own use, and for the purpose of actual settlement and cultivation, or for the use of an adjoining farm or plantation, owned or occupied by him or herself, and together with said entry, he or she has not acquired from the United States, under the provisions of this act, more than three hundred and twenty acres, according to the established surveys; and if any person or persons taking such oath or affidavit shall swear falsely in the premises, he or she shall be subject to all the pains and penalties of perjury. (a)

Proviso. (a) See Nos. 2643, 2649, 2651, 2660, 2666, 2698.

How entry is to be made.

Penalty for perjury.

Aug. 5, 1854.
Vol. 10, p. 594. **No. 2641.**—AN ACT for the relief of A. S. Laughery.

Land warrant to issue to A. S. Laughery on certain proof being made. *Be it enacted, &c.*, That upon its being made to appear to the Commissioner of Pensions by sufficient proof, to be judged of by him, that the said A. S. Laughery served [served] as a clerk in the commissary department of the United States Army in Mexico during the late war with that nation, it shall be the duty of the Commissioner of Pensions to issue to the said A. S. Laughery a land warrant for such an amount of acres (according to the time of the service proven) as he would have been entitled to under existing laws if he had served the same time in the Army of the United States in said war.

No. 2642.—AN ACT for the relief of William Curran.Aug. 5, 1854.
Vol. 10, p. 825.

Be it enacted, &c., That the assignment, bearing date the twenty-fifth day of April, eighteen hundred and fifty-one, from Thomas Myers to William Curran, of bounty-land warrant number four hundred and seven, for one hundred and sixty acres of land, dated the seventh day of February, eighteen hundred and fifty-one, and issued to Thomas Myers, private and corporal in Captain Skinner's company, Colonel Mill's regiment New York volunteers, war of eighteen hundred and twelve, be, and the same is hereby, confirmed and declared effectual to transfer the said land warrant to the said William Curran, and to vest in him the title thereto from the date of said assignment; and this act shall be deemed and taken to be good and sufficient evidence of said assignment, having been duly made in all courts and places whatever.

The assignment from Thos. Myers to Wm. Curran, of a bounty-land warrant confirmed.

No. 2643.—AN ACT for the relief of Henry Lewis and Moses Petet, of Clinton County, Indiana.Aug. 5, 1854.
Vol. 10, p. 836.

Be it enacted, &c., That Henry Lewis, of Clinton County, Indiana, and Moses Petet, of Parke County, Indiana, be, and they are hereby, each authorized to enter, free of cost, except the fees to the land officers, forty acres of land, out of any lands subject to private entry, at any land office in the United States, or the Territories thereof, in full of their respective claims for money paid Charles Tyler, register of the land office at Crawfordsville, Indiana, in the month of January, anno Domini, eighteen hundred and thirty-seven, the amount thereof, being fifty dollars each.

Henry Lewis and Moses Petet authorized to enter certain land in full for their claims.

No. 2644.—AN ACT for the relief of the heirs of Joseph Gerard.Feb. 10, 1855.
Vol. 10, p. 849.

Be it enacted, &c., That Reese A. P. Gerard, William Gerard, and Rachel Blue, (formerly Rachel Gerard,) the only children and heirs of Joseph Gerard, a messenger of the United States to the Indians, who was killed in seventeen hundred and ninety-two, be, and they or their heirs are hereby permitted to enter, each one of them severally, or his or their heirs, one section of the public lands, without the payment of any consideration for said three sections, being in full payment for the patriotic services of said Joseph Gerard, and in accordance with the spirit of the inducements authorized by President Washington to be held out to such persons as would consent to carry a message from Fort Washington, now Cincinnati, in seventeen hundred and ninety-two, to the hostile Indians of the then Northwest Territory.

Children of Joseph Gerard allowed to enter certain land, in full for his services.

No. 2645.—AN ACT granting bounty lands to Susan Palmer.Feb. 28, 1855.
Vol. 10, p. 858.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to issue unto Susan Palmer, widow of Lieutenant Innis B. Palmer, deceased, a land-warrant certificate for one hundred and sixty acres of land, in consideration of his services during the war of eighteen hundred and twelve, in the same manner as if the said Innis B. Palmer's name had been enrolled as a lieutenant, and not as a deputy wagon-master.

Susan Palmer, grant of bounty land to.

No. 2646.—AN ACT for the relief of James Holstin.March 3, 1855.
Vol. 10, p. 867.

Be it enacted, &c., That James Holstin, of Indiana, be, and he hereby is, authorized to enter in legal subdivisions, free of cost, one hundred and sixty acres of any of the public lands of the United States subject to private entry at the rate of one dollar and twenty-five cents per acre; and, upon the return of a certificate therefor by the legally constituted officers, the Commissioner of the General Land Office shall issue a patent in favour of said Holstin for the land so entered: *Provided,* That the same shall be in full satisfaction for losses sustained by said Holstin on account of the erroneous location made by him with military bounty-land warrant number eight thousand seven hundred and eighty-two, at the Vincennes land office, on the first day of February, eighteen hundred and forty-eight.

James Holstin authorized to enter certain land.

Proviso.

March 3, 1855.
Vol. 10, p. 871.

No. 2647.—JOINT RESOLUTION for the relief of John Dugan.

Be it resolved, &c., That the Secretary of the Interior issue to John Dugan, late a private in company C, Mississippi volunteers, in the Mexican war, a bounty-land warrant for one hundred and sixty acres of land; and also that the proper accounting officer of the Treasury Department pay to said John Dugan the arrears of pay and extra pay that would be due to him, as though it had not been marked opposite his name on the rolls of said company, "absent without leave."

March 3, 1855.
Vol. 10, p. 635.

No. 2648.—AN ACT to increase the compensation of the registers of land offices and receivers of public moneys under the act entitled "An act to graduate and reduce the price of the public lands to actual settlers and cultivators, approved August fourth, eighteen hundred and fifty-four."

Be it enacted, &c., That each register of a land office and receiver of public moneys shall receive the same amount of pay for each and every entry of land made under the act entitled "An act to graduate and reduce the price of the public lands to actual settlers and cultivators, approved August fourth, eighteen hundred and fifty-four," as such officer is by law entitled to receive for similar entries of land at the minimum price of one dollar and twenty-five cents per acre: *Provided,* That the whole amount received per year shall in no case exceed the limitation fixed by existing laws. (a)

(a) See Nos. 2640, 2649, 2651, 2660, 2686, 2698.

March 3, 1855.
Vol. 10, p. 643.

No. 2649.—AN ACT making appropriations for the civil and diplomatic expenses of Government, for the year ending the thirtieth of June, eighteen hundred and fifty-six, and for other purposes.

Graduation act
of 1854.

For amount required to enable the Secretary of the Interior to execute the provisions of the "act to graduate and reduce the price of the public lands to actual settlers and cultivators," approved fourth August, one thousand eight hundred and fifty-four, thirty thousand dollars: *Provided, however,* That in all cases where lands have been or shall hereafter be sold under the act of fourth August, eighteen hundred and fifty-four, "to graduate and reduce the price of the public lands to actual settlers and cultivators," at a higher rate than authorized by that act, the Secretary of the Interior shall be, and is hereby authorized, to direct the receivers of public money for the proper land district, to refund the excess out of any money in his hands derived from the sales of public lands; and the periods and principle of graduation, fixed by the instructions of the General Land Office, of thirtieth October, eighteen hundred and fifty-four, shall be, and they are hereby confirmed. (a)

Excess of price
to be refunded.

Instructions of
Land Office con-
firmed.

(a) See Nos. 2640, 2648, 2651, 2660, 2686, 2698.

March 3, 1855.
Vol. 10, p. 683.

No. 2650.—AN ACT making appropriations for the service of the Post Office Department during the fiscal year, ending the thirtieth of June, one thousand eight hundred and fifty-six.

Mail contract-
ors in Territories
may establish
stations, and have
pre-emption
right thereto.

Each contractor engaged, or to be engaged in carrying mails through any of the Territories west of the Mississippi, shall have the privilege of occupying stations at the rate of not more than one for every twenty miles of the route on which he carries a mail, and shall have a preëemptive right therein, when the same shall be brought into market, to the extent of six hundred and forty acres to be taken continuously, and to include his improvement; but no such preëemptive right shall extend to any pass in a mountain or other defile. (a)

(a) See Nos. 2662, 2682, 2687.

March 3, 1855.
Vol. 10, p. 703.

No. 2651.—AN ACT to amend an act approved the fourth of August, eighteen hundred and fifty-four, entitled "An act to graduate and reduce the price of the public lands to actual settlers and cultivators."

Be it enacted, &c., That the act approved fourth August, eighteen hundred and fifty-four, "to graduate and reduce the price of the public lands to actual settlers and cultivators," shall be so construed that the

Affidavits un-
der graduation
act of 1854, before
whom to be made.

affidavits required by the third section of that act may be made before any officer duly authorized by law to administer oaths, according to such forms, and pursuant to such regulations, as shall be prescribed by the Secretary of the Interior. (a)

(a) See Nos. 2640, 2642, 2649, 2660, 2682, 2692.

No. 2652.—AN ACT for the relief of the heirs of Samuel Scott,

Be it enacted, &c., That the Commissioner of the General Land Office be and he is hereby required to investigate the claim of the heirs at law of Samuel Scott, late of the State of Virginia, and if he should find, on such investigation, they were entitled to bounty land for revolutionary services, under the laws of that State, and that they failed to procure the same for the reason that the papers which established their right had been mislaid in the Pension Office, that he issue to them a warrant or warrants for such number of acres as they may be entitled to under the bounty-land laws of the State of Virginia.

July 30, 1856.

Vol. 11, p. 454.

Adjudication of claim of heirs at law of Samuel Scott to a bounty-land warrant.

No. 2653.—AN ACT for the relief of Richard Albritton.

Be it enacted, &c., That Richard Albritton be, and he is hereby authorized to locate, free of cost, six hundred and forty acres of land, upon any of the public lands belonging to the United States, and subject to private entry, at the minimum price.

SEC. 2. *And be it further enacted,* That the location so made shall be in full compensation to the said Richard Albritton for a certain private land claim for six hundred and forty acres, reported for confirmation by James O. Crosby, commissioner, under date of June seven, eighteen hundred and thirteen, and confirmed by the act Congress approved March three, eighteen hundred and nineteen.

SEC. 3. *And be it further enacted,* That the Commissioner of the General Land Office, upon the receipt of the certificate from the proper land office, shall issue a patent to the said Richard Albritton for the lands authorized to be located by this act.

Aug. 6, 1856.

Vol. 11, p. 456.

Richard Albritton authorized to locate, free of cost, 640 acres of land.

Said location to be in full for claim confirmed by act of 1819.

Patent to issue.

No. 2654.—AN ACT granting bounty land to Jared L. Elliott.

Be it enacted, &c., That the Secretary of the Interior shall cause a warrant to be granted and issued to Jared L. Elliott, late chaplain in the army, for one hundred and sixty acres of land, as bounty, upon the production of such proofs of identity and term of service as are, or may be, required by law.

Jan. 8, 1857.

Vol. 11, p. 486.

Land warrant granted to Jared L. Elliott.

No. 2655.—AN ACT for the relief of Captain Thomas Duncan, of the United States Army.

Be it enacted, &c., That Thomas Duncan, as the assignee and owner of the following warrants, issued under the act of September, eighteen hundred and fifty, viz: Number nine thousand seven hundred and forty-five, for eighty acres, in the name of George Chewning, issued July ten eighteen hundred and fifty-one; number thirty-one thousand one hundred and thirty-eight, for forty acres, in the name of Benjamin Lindsley, issued November twenty-nine, eighteen hundred and fifty-one; number forty-four thousand seven hundred and ninety-eight, for forty acres, in the name of Eleanor P. Pool, issued March six, eighteen hundred and fifty-two; number fifty-three thousand three hundred and four, for forty acres, in the name of Turner Brown, issued April twenty-eight, eighteen hundred and fifty-two; number fifty-five thousand one hundred and eight, for forty acres, in the name of George Bromer, issued April twenty-nine, eighteen hundred and fifty-two; number fifty-three thousand one hundred and forty, for forty acres, in the name of Laban Mauldin, issued April twenty-four, eighteen hundred and fifty-two; the originals of which, with assignments thereon in his favor, have been lost, be and he is hereby authorized to locate, in his name and as his property, the duplicates of said warrants, which have been or may be issued from the Commissioner of Pensions; and upon said locations being made according to the stipulations of said act of eighteen hundred and fifty, patents shall issue for the same, as in ordinary cases.

Feb. 5, 1857.

Vol. 11, p. 492.

Thomas Duncan authorized to locate certain bounty-land warrants issued in the name of Geo. Chewning, Benj. Lindsley, Eleanor P. Pool, Turner Brown, George Bromer, and Laban Mauldin, under act of 1850.

Feb. 7, 1857.
Vol. 11, p. 495.

No. 2656.—AN ACT for the relief of the legal representatives of Edmund H. McCabe, assignee of Antoine Soulard.

E. H. McCabe, assignee of Antoine Soulard, authorized to enter certain land.

Be it enacted, &c., That the legal representatives of Edmund H. McCabe, assignee of Antoine Soulard, be and they are hereby authorized to enter, of the public lands of the United States subject to entry, at not exceeding one dollar and twenty-five cents per acre, such quantity of land as has been sold by the United States within the boundaries of the claim of Antoine Soulard, confirmed by the Supreme Court of the United States, at January term, eighteen hundred and thirty-six, from the time of filing the petition on which said confirmation was made to the issue of the patent under such confirmation, and that a patent or patents shall issue therefor.

Feb. 7, 1857.
Vol. 11, p. 496.

No. 2657.—AN ACT to extend the time for selling the lands granted to the Kentucky Asylum for teaching the deaf and dumb.

Five more years granted to sell the lands of the Kentucky Deaf and Dumb Asylum.

Be it enacted, &c., That the further time of five years, from and after the expiration of the time heretofore allowed, be and the same is hereby allowed and permitted the trustees of the Centre College of Kentucky, who are also the trustees of said Kentucky Asylum for teaching the deaf and dumb, to sell the lands heretofore granted said asylum by acts of Congress heretofore passed and confirmed to said trustees. (a)

(a) See Nos. 2503, 2508, 2520, 2553, 2558, 2593, 2595, 2604, 2620, 2626.

March 3, 1857.
Vol. 11, p. 502.

No. 2658.—AN ACT for the relief of Henry T. Mudd, of Missouri.

Preamble.

Whereas Charles Burke, on the fifteenth day of March, eighteen hundred and fifty-six, entered at the land office at Palmyra, Missouri, under the provisions of the presumption act of the fourth of September, eighteen hundred and forty-one, the southeast quarter of section thirty-four, township fifty-one, range two west, containing one hundred and sixty acres, for which he paid two hundred dollars, per receivers receipt number twenty-nine thousand two hundred and ninety-three, which entry failed for want of proof, and was cancelled at the General Land Office; and whereas Henry T. Mudd, before said entry was cancelled, in good faith, but in ignorance of the provisions of the presumption law, bought said land of said Burke for eight hundred dollars, and holds a deed from said Burke, dated March seventeen, eighteen hundred and fifty-four; but the purchase money, as the law stands and has been construed by the General Land Office, cannot be paid to said Mudd, though the equitable right is acknowledged to be in him, and said Burke has gone to parts unknown, and his order or power of attorney cannot be had—

Payment to Henry T. Mudd.

Be it enacted, &c., That the said transfer of said Burke to said Mudd shall be received and treated as an admission of the right of said Mudd to the repayment of the purchase money on said entry, viz: the said sum of two hundred dollars, and that the same shall be refunded to him accordingly.

March 3, 1857.
Vol. 11, p. 524.

No. 2659.—AN ACT for the relief of John B. Rose, of Wabash County, Indiana.

Bounty land warrant to issue to John B. Rose.

Be it enacted, &c., That the Secretary of the Interior be and he is hereby directed to cause to be issued to John B. Rose, of Wabash County Indiana, a warrant for one hundred and sixty acres of land, in consideration of his services as lieutenant of the Fifteenth Regiment of United States Infantry during the last war with Great Britain.

March 3, 1857.
Vol. 11, p. 186.

No. 2660.—AN ACT to confirm certain entries of land therein named.

Entries under graduation law, confirmed.

Be it enacted, &c., That all entries of the public land[s] under the act to graduate and reduce the price of the public lands subject to entry, to actual settlers and cultivators, approved fourth of August, eighteen hundred and fifty-four, made prior to the passage of this act, in which the purchaser has made the affidavit and paid the purchase money as required by said act and the instructions issued and in force, and in the hands of the register at the time of making said entry, are hereby legalized, and patents shall issue to the parties respectively, excepting

those entries under said act, which the Commissioner of the General Land Office may ascertain to have been fraudulently or evasively made; *Provided*, That this act shall not be so construed as to confirm any of said entries which have heretofore been annulled and vacated by said Commissioner on account of fraud, evasion of law, or other special cause; *And provided further*, That nothing herein contained shall be so construed as to deprive any actual settler and cultivator of his right to any land on which he resided at the time of an entry by another person under the act to which this act is an amendment. (a)

(a) See Nos. 2640, 2648, 2649, 2651, 2666, 2696.

No. 2661.—AN ACT to extend the provisions of the act entitled "An act in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military services of the United States," to the officers and soldiers of Major David Bailey's battalion of Cook County (Illinois) Volunteers.

March 3, 1857.
Vol. 11, p. 249.

Be it enacted, &c., That all those officers and soldiers of Major David Bailey's battalion of Cook County (Illinois) volunteers stationed at Fort Dearborn, in the Black Hawk war of eighteen hundred and thirty-two, who have never received warrants for bounty land for services in said war, shall be entitled to receive a certificate or warrant from the Department of the Interior for one hundred and sixty acres of land, upon making proof either by record evidence or such parol evidence as the Commissioner of Pensions may require of having served in said war for the term of at least fourteen days; the provisions of this act to extend to the widows and minor children of said officers and soldiers who have died or may die before receiving such warrant or certificate.

Major David Bailey's battalion of volunteers to receive bounty-land warrants.

No. 2662.—AN ACT making appropriations for the service of the Post-Office Department during the fiscal year ending the thirtieth of June, eighteen hundred and fifty-eight.

March 3, 1857.
Vol. 11, p. 168.

SEC. 12. *And be it further enacted*, That the contractors shall have the right of preëmption to three hundred and twenty acres of any land not then disposed of or reserved, at each point necessary for a station, not to be nearer than ten miles from each other; and provided, that no mineral land shall be thus preëmpted. (a)

Pre-emption right of such contractors.

(a) See Nos. 2650, 2652, 2687.

No. 2663.—AN ACT making appropriations for the support of the Army for the year ending the thirtieth June, eighteen hundred and fifty-eight.

March 3, 1857.
Vol. 11, p. 900.

SEC. 4. *And be it further enacted*, That the provisions of the act approved March third, eighteen hundred and nineteen, entitled "An act authorizing the sale of certain military sites," be and they are hereby extended to all military sites, or to such parts thereof which are or may become useless for military purposes; *Provided, nevertheless*, That nothing in this act, nor in the act above mentioned, shall be so construed as to impair in any wise the right of the State within which any such site or reservation may be situated to impose taxes on the same, in like manner as upon other lands or property owned by individuals within the State after such sale. (a)

Act of 1819, as to sale of sites, extended.

Such sites to be subject to taxation after sale.

(a) See Nos. 2478, 2671.

No. 2664.—AN ACT for the relief of Francis Wlodecki.

April 21, 1858.
Vol. 11, p. 529.

Be it enacted, &c., That Francis Wlodecki, of Lake County, Illinois, is hereby authorized to locate one hundred and twenty acres of the public lands of the United States, to be selected from any of the public lands subject to private entry at the rate of one dollar and a quarter per acre; and upon return being made to the General Land Office of such location, the President is hereby directed to issue a patent therefor to the said Francis Wlodecki: *And it is hereby provided*, That the same

Francis Wlodecki may locate 120 acres of public land.

shall be in full discharge for all claims which the said Wlodecki has on the Government, arising under the act of Congress approved June thirty, eighteen hundred and fifty-four [thirty-four], entitled "An act granting land to certain exiles from Poland."

June 1, 1858.
Vol. 11, p. 534.

No. 2665.—AN ACT for the relief of Anna M. E. Ring, Louisa M. Ring, Cordelia E. Ring, and Sarah J. De Lannoy.

David A. Ring's assignment to his four daughters, of land warrant 3173, to vest in them his interest therein.

Be it enacted, &c., That the assignment by David A. Ring, to his four daughters, to wit: Anna M. E. Ring, Cordelia E. Ring, Louisa M. Ring, and Sarah J. De Lannoy, of land warrant number three thousand one hundred and seventy-two, for one hundred and sixty acres of land, issued on the eighteenth July, eighteen hundred and fifty-five, to the said David A. Ring, be, and the same is hereby, held to vest in said assignees all the right, title, and interest of said David A. Ring in and to said warrant.

June 2, 1858.
Vol. 11, p. 538.

No. 2666.—AN ACT to vest the title to certain warrants for land in George M. Gordon.

Assignment of land warrants to George M. Gordon, from Edmund Hugill and James McIntyre, recognized as valid.

Be it enacted, &c., That the Commissioner of the General Land Office is hereby directed, under such regulations as he may prescribe, to recognize the assignment made to George M. Gordon on the twenty-first day of January, one thousand eight hundred and fifty-two, by Edmund Hugill, sergeant in Captain Gordon's company, Third Regiment of United States Infantry, and James McIntyre, a private of the same company and regiment, to whom warrants, numbers seventy-eight thousand four hundred and two, and seventy eight thousand four hundred and three, respectively, issued on the thirteenth day of July, one thousand eight hundred and fifty-three, so as to vest the legal title in and to the warrants aforesaid in the said George M. Gordon, his heirs or assigns, according to the intention of said parties.

June 3, 1858.
Vol. 11, p. 309.

No. 2667.—AN ACT confirming locations of land warrants under certain circumstances.

Locations with bounty-land warrants where excess was paid in cash, confirmed, if regular in other respects. *Provido.*

Be it enacted, &c., That in all cases in which locations have been made with bounty-land warrants on lands which were subject to entry at private sale, but upon individual competition were put up to the highest bidder, and the excess paid for in cash, such locations shall be, and they are hereby, confirmed, if in all other respects regular, and authority is hereby given to issue patents accordingly: *Provided,* That such confirmation shall only extend to cases existing prior to the passage of this act.

June 5, 1858.
Vol. 11, p. 540.

No. 2668.—AN ACT for the relief of Job Stafford, of the State of New York.

Job Stafford to have bounty-land warrant for 160 acres.

Be it enacted, &c., That the Commissioner of Pensions be, and he is hereby, instructed to issue to Job Stafford, of the State of New York, a bounty-land warrant for one hundred and sixty acres of land, the same to be held, located, or assigned, as if it had issued in the ordinary way, on application under existing laws.

June 5, 1858.
Vol. 11, p. 542.

No. 2669.—AN ACT for the relief of Elizabeth McBrier, only surviving child and heir of Colonel Archibald Loughry, deceased.

Land scrip amounting to 6,666 2/3 acres to issue to Elizabeth McBrier, in 80-acre certificates.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and required to issue land scrip in eighty-acre certificates, receivable in payment for public lands at any of the land offices in the United States, in favor of Elizabeth McBrier, only surviving child and heir of Colonel Archibald Loughry, deceased, or to her order, for an amount equal to six thousand six hundred and sixty-six acres and two-thirds of an acre of land which may be located on land subject to private entry, at one dollar and twenty-five cents per acre or less.

No. 2670.—AN ACT for the relief of the heirs of William Turvin, deceased.

June 7, 1858.
Vol. 11, p. 543.

Be it enacted, &c., That the heirs of William Turvin, deceased, be, and they are hereby, authorized to locate, free of cost, nine hundred and sixty arpents of land, or as near thereto as the same can be done not exceeding that quantity, according to the legal subdivisions, on any of the public lands of the United States subject to entry at private sale at one dollar and twenty-five cents per acre; which lands, when so located, shall be in full for the claim of their said father, William Turvin, to a tract of land lying on the east side of the Mobile River and west of the Bayou Pascual, under a grant from the Spanish Government, and which was recommended for confirmation on the report of the register and receiver of the land office for the district of St. Stephens.

William Turvin's heirs may locate 960 arpents of land.

SEC. 2. *And be it further enacted,* That the Commissioner of the General Land Office, upon the receipt of the certificate of entry from the proper land office, be, and he is hereby, authorized to issue a patent for the land so located.

When patent is to issue.

No. 2671.—AN ACT making appropriations for the support of the Army for the year ending the thirtieth June, eighteen hundred and fifty-nine.

June 12, 1858.
Vol. 11, p. 332.

SEC. 6. *And be it further enacted,* That all the existing laws, or parts of laws which authorize the sale of military sites which are or may become useless for military purposes be, and the same are hereby, repealed, and said lands shall not be subject to sale or preemption under any of the laws of the United States: *Provided, further,* That the provisions of the act of August eighteenth, eighteen hundred and fifty-six, relative to certain reservations in the State of Florida, shall continue in force. (a)

All laws authorizing the sale of military sites useless for military purposes are repealed.
Provided.

(a) See Nos. 2478, 2663.

No. 2672.—AN ACT for the relief of Roswell Minard, father of Theodore Minard, deceased.

Dec. 21, 1858.
Vol. 11, p. 535.

Be it enacted, &c., That the Commissioner of the General Land Office shall issue to Roswell Minard, the father of Theodore Minard, deceased, a warrant for one hundred and sixty acres of land, in lieu of bounty-land warrant number thirty-four thousand seven hundred and fifty-four, heretofore issued to Theodore Minard, deceased, which warrant, when so issued, shall be in all respects of the same effect as the said warrant number thirty-four thousand seven hundred and fifty-four would have been had it been issued to said Roswell Minard: *Provided, however,* That the said Commissioner of the General Land Office shall be satisfied that said Roswell Minard is the father of the said Theodore Minard, deceased; that the said Theodore Minard died without leaving a wife or lawful children; and that the said Theodore Minard never assigned or transferred the said bounty-land warrant number thirty-four thousand seven hundred and fifty-four.

Land warrant to issue to Roswell Minard.

Provided.

No. 2673.—AN ACT for the relief of William Yearwood, sr.

Feb. 18, 1859.
Vol. 11, p. 561.

Be it enacted, &c., That the Secretary of the Interior issue a land warrant for one hundred and sixty acres of land to be located pursuant to the provisions of an act of Congress, approved February eleventh, eighteen hundred and forty-seven, granting bounty land to certain officers and soldiers in the military service of the United States, to William Yearwood, sr., father of William Yearwood, jr., first lieutenant in Captain Lowry's company, second regiment Tennessee volunteers in the Mexican war, who was wounded at the battle of Cerro Gordo, and died of his wounds on the twenty-fourth day of April, eighteen hundred and forty-seven, leaving neither wife nor child.

Land warrant to issue to William Yearwood, senior.

No. 2674.—AN ACT for the relief of Rebecca M. Bowden, of Prince George County, Virginia.

Feb. 18, 1859.
Vol. 11, p. 562.

Be it enacted, &c., That Rebecca M. Bowden, of Prince George County, in the State of Virginia, be, and she hereby is, authorized to locate in her own name, as sole devisee of Littleberry Bonner, late of said county, deceased, on any of the lands of the United States subject to private entry, at the minimum price of one dollar and twenty-five cents per

Rebecca M. Bowden authorized to locate a land warrant, or to sell the same.

acre, a certain land warrant, number seventeen thousand six hundred and forty-seven, issued to the said Bonner for his services as a private in Captain Temple's company, in the fourth regiment of Virginia militia, in the war of eighteen hundred and twelve, or to sell and assign the same as such devisee in the same manner as the said Littleberry Bonner could do were he now living.

June 1, 1860.
Vol. 12, p. 845.

No. 2675.—AN ACT for the relief of Wendell Trout.

Warrant for
160 acres of land
to issue to Wen-
dell Trout.

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, directed to issue to Wendell Trout, of Franklin County, Kentucky, a warrant for one hundred and sixty acres of land for services rendered by him as a teamster in the military service of the United States in the Indian wars of seventeen hundred and ninety-three and seventeen hundred and ninety-four.

June 7, 1860.
Vol. 12, p. 846.

No. 2676.—AN ACT for the relief of the surviving grandchildren of Colonel William Thompson, of the revolutionary army of South Carolina.

Payment to
grand children,
&c., of Col. Wm.
Thompson.

Be it enacted, &c., That there be paid, out of any money in the Treasury not otherwise appropriated, to William E. Haskell, Charles T. Haskell, Charlotte Rhett, widow of James S. Rhett, Mary E. Darby, widow of A. B. Darby, Caroline Lewis, widow of Dr. John B. Lewis, Charlotte A. Goodwin, wife of Robert H. Goodwin, the grandchildren and heirs of William Thompson, who was a colonel of the third regiment of South Carolina mounted continental troops during the revolutionary war, the sum of seven thousand three hundred and eighty-eight dollars and eighty-two cents, being the half-pay for life, to which their ancestor, the said William Thompson was entitled under the resolutions of Congress for his services as colonel as aforesaid, throughout the war of the Revolution, the said Colonel William Thompson having elected not to take the commutation of five years' full pay.

SEC. 2. *And be it further enacted,* That the Commissioner of Pensions be authorized and required to issue in the names of the aforesaid grandchildren of Colonel William Thompson a warrant for such an amount of bounty land as was provided for a colonel under the resolve of Congress of September sixteenth, seventeen hundred and seventy-six.

June 7, 1860.
Vol. 12, p. 847.

No. 2677.—AN ACT for the relief of John W. Taylor and certain other assignees of preemption land locations.

Assignments
of certain pre-
emption bounty-
land warrants
made valid and
patents to issue.

Be it enacted, &c., That all assignments of pre-emption bounty-land warrant locations at any of the land offices in the United States, made in good faith since the nineteenth day of October, eighteen hundred and fifty-two, and prior to the twenty-first of May, eighteen hundred and fifty-six, under instructions from the Commissioner of the General Land Office of the former date, be, and the same are hereby, declared valid; and the Secretary of the Interior is hereby authorized to cause patents to be issued in the name of the assignee on all such locations as now remain suspended and have not been patented.

June 9, 1860.
Vol. 12, p. 848.

No. 2678.—AN ACT for the relief of John Dixon.

Bounty-land
warrant to issue
to John Dixon.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to issue a bounty-land warrant for one hundred and sixty acres, to John Dixon, of Dixon's Ferry, in the State of Illinois, for services rendered in the Black Hawk war.

June 9, 1860.
Vol. 12, p. 849.

No. 2679.—AN ACT for the relief of the widow and other heirs of William Higgins, deceased.

Bounty-land
warrant to issue
to William Hig-
gins.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to cancel bounty-land warrant number thirty-one thousand four hundred and seventy-four, issued on the tenth day of July, eighteen hundred and fifty-six, to William Higginson, for services rendered as a seaman in the United States Navy during the war with Mexico, and to reissue the same to William Higgins, the real party for whom the bounty was intended.

No. 2680.—AN ACT for the relief of R. K. Doebler.

June 9, 1860.
Vol. 12, p. 852.

Be it enacted, &c., That the assignment made by Samuel H. Dill on land warrant for one hundred and sixty acres of land, number ten thousand one hundred and seventeen, issued fourth November, eighteen hundred and fifty-one, which assignment was made on the twenty-eighth day of November, eighteen hundred and fifty-one, to R. K. Doebler, be, and the same is hereby, legalized and made valid.

Assignment of
land warrant to
R. K. Doebler
made valid.

No. 2681.—AN ACT for the relief of Josiah Atkins, of Ohio.

June 19, 1860.
Vol. 12, p. 852.

Be it enacted, &c., That the Secretary of the Interior be directed to cause to be issued to Josiah Atkins, of the State of Ohio, a bounty-land warrant for one hundred and sixty acres in lieu of warrant number fifty-four thousand eight hundred and ninety-three, issued to said Atkins under the act of March third, eighteen hundred and fifty-five, the same having been lost in transmission through the mails by the Commissioner of the General Land Office to the register and recorder at Council Bluffs, Iowa, in the year eighteen hundred and fifty-eight, the same to be issued under such rules and regulations as the Secretary of the Interior may prescribe.

Bounty-land
warrant to Josiah
Atkins.

No. 2682.—AN ACT confirming certain land entries under the third [proviso to the first] section of the act of third March, eighteen hundred and fifty-five, entitled "An act making appropriations for the service of the Post-Office Department, during the fiscal year ending the thirtieth of June, eighteen hundred and fifty-six."

June 21, 1860.
Vol. 12, p. 70.

Be it enacted, &c., That all entries which have heretofore been allowed by registers and receivers, and in regard to which no adverse claims have arisen under decisions of the Secretary of the Interior, or of the Commissioner of the General Land Office, setting aside such entries, under that portion of the third proviso to the first section of an act, approved third March, eighteen hundred and fifty-five, entitled "An act making appropriations for the service of the Post-Office Department during the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-six," in the following words: "That each contractor engaged, or to be engaged, in carrying the mails through any of the Territories west of the Mississippi, shall have the privilege of occupying stations at the rate of not more than one for every twenty miles of the route on which he carries a mail, and shall have a pre-emption right therein when the same shall be brought into market, to the extent of six hundred and forty acres, to be taken contiguously, and to include his improvements; but no such pre-emption right shall extend to any pass in a mountain or other defile," be, and the same are hereby, confirmed, subject to any bona-fide claim under any law of the United States to the whole or any portion of the lands embraced in said entries or locations made prior or subsequent to the date of the selection thereof by the persons aforesaid; and the Commissioner of the General Land Office is hereby directed to issue a patent for the lands embraced in said entries, upon payment of one dollar and twenty-five cents per acre for the land embraced in such patent: *Provided*, That each contractor shall satisfy the Secretary of the Interior that he has complied with the terms of his contract, and that said entries have been used and occupied as stations on the line of the route during the existence of his contract; and that the provisions of this act shall be restricted to one and the first bona-fide set of pre-emptions on one and the same line of route.

Certain entries
of land by mail
contractors con-
firmed.

Patents to is-
sue.

Proviso.

SEC. 2. *And be it further enacted*, That no rights, from and after the passage of this act, shall accrue under the provisions of the aforesaid act of third March, eighteen hundred and fifty-five, which provisions are hereby repealed, saving all rights heretofore acquired, or those provided for in the foregoing; and that for the purpose of facilitating the transportation of the public mails of the United States west of the Mississippi River to the Pacific Ocean, and intermediate points, the Secretary of the Interior be, and he is hereby, authorized, upon the application of the Postmaster-General, to reserve, as mail stations, for the use and occupancy of mail contractors, during the existence of their contracts, a quantity of public lands, not exceeding the area of one section at any and all such localities as in his judgment are deemed necessary or advisable, to be taken where the public surveys have been

No new rights
to be acquired
under the act of
1855.
Repeal.

Mail stations
on the routes
from Mississippi
to the Pacific, to
be reserved.

made, according to the lines of those surveys; but where stations have been or may hereafter be designated in advance of the public surveys, such stations shall be laid off, under the direction of the Postmaster-General, in a square form, with power to order the adjustment hereafter of such boundaries, to conform to the lines of the public surveys, if such adjustment be deemed advisable, which lands thus reserved as stations shall be held as permanent mail-service reservations, not subject to the operation of any existing pre-emption or other general land laws.

Reservations to be sold, &c., when stations are abandoned.

Laws granting pre-emption rights to mail contractors repealed.

SEC. 3. *And be it further enacted*, That whenever, from any cause, any of the reservations made under the second section of this act, shall be no longer needed for the purposes originally intended, or the convenience of the service shall require a change of location, the reservation thus abandoned by the Postmaster-General shall be laid off into suitable lots or parcels, and sold at public sale to the highest bidder after at least three months' public notice, under the direction of the Secretary of the Interior, and patents therefor shall issue as in the case of the sale of other public lands, and all laws, or parts of laws, heretofore passed, granting the pre-emption privilege to mail contractors be, and the same are hereby, repealed, but this repeal is not to affect any rights which may have actually vested under those laws before the passage of this act. (a)

(a) See Nos. 2650, 2662, 2687.

June 22, 1860.
Vol. 12, p. 867.

Robert Johnston may locate certain military bounty-land warrants.

No. 2683.—AN ACT for the relief of Robert Johnston.

Be it enacted, &c., That Robert Johnston, of the city of Philadelphia and State of Pennsylvania, be, and he is hereby, authorized to locate, on any of the public lands of United States subject to location with military bounty-land warrants, the following-described bounty-land warrants heretofore issued under and by virtue of the act of eleventh February, eighteen hundred and forty-seven, viz. Number thirty-five thousand eight hundred and eighty-five, issued to Charles H. Burns; number thirty-five thousand nine hundred and thirteen, issued to John Hurr; number thirty-five thousand nine hundred and eighteen, issued to John Lehman; number thirty-five thousand nine hundred and nineteen, issued to Amos Lightner; number thirty-seven thousand hundred and seventy-six, issued to Henry Wells; number thirty-eight thousand seven hundred and twelve, issued to Jesse C. Moore; number thirty-eight thousand seven hundred and thirteen, issued to Thomas T. Mahan; number thirty-eight thousand seven hundred and twenty-six, issued to James Smith; number thirty-nine thousand seven hundred and fifty-five, issued to James Deal; number thirty-nine thousand seven hundred and fifty-six, issued to William E. Fennimore; number thirty-nine thousand seven hundred and fifty-nine, issued to John C. Hardy; number forty-four thousand three hundred and seventy-nine, issued to Samuel K. Worms; number forty-four thousand six hundred and ninety-eight, issued to Bagshaw Barsly; number forty-four thousand eight hundred and fifty-three, issued to John Kolk; number forty-four thousand eight hundred and fifty-nine, issued to Charles Corragin; number forty-four thousand eight hundred and seventy-five, issued to Ludolph Wedemeyer; number forty-four thousand eight hundred and seventy-six, issued to Daniel Meyer; number forty-four thousand eight hundred and seventy-seven, issued to Frederick Meyer; number forty-four thousand eight hundred and seventy-eight, issued to Henry E. Layton; number forty-four thousand eight hundred and eighty, issued to Daniel Adams; number forty-five thousand seven hundred and twenty-nine, issued to Jeremiah Gensmer; number forty-five thousand seven hundred and thirty-one, issued to George M. Newell; number forty-five thousand eight hundred and sixty-six, issued to John Randolph; and number fifty-five thousand two hundred and ninety-eight, issued to John Wallace, the discharges received by said soldiers after the conclusion of their respective terms of service having, as is alleged, been purchased from them for a valuable consideration: *Provided*, That if it shall hereafter appear that the said soldiers did not, in whole or in part, receive a fair and valuable consideration for such discharge, it shall and may be lawful for them, or their heirs, to assert their claims respectively in a court of law, and the par-

Proviso.

ticular tracts, selected in satisfaction of the warrants aforesaid, shall severally be subject to such claims in law or equity, and the patents which may issue for such tracts shall certify accordingly: *And provided further*, That any assignment made of either of the land warrants, or the locations thereof, prior to the issuing of patents, shall be absolutely null and void in law and equity.

Proviso.

No. 2684.—AN ACT for the relief of Robert A. Matthews.

Jan. 29, 1861.
Vol. 12, p. 881.

Be it enacted, f.c., That the Commissioner of the General Land Office be, and he is hereby, authorized and directed to pay to Robert A. Matthews, attorney of Charles W. Tosh, the amount of the price received from said Tosh for one hundred and fifty-five and sixty-two one hundredth acres of land, entered by him at the land office, at Sioux City, in the State of Iowa, on the second October, eighteen hundred and fifty-six, as per register's certificate and receiver's receipt, both numbered four hundred and fifty-five, the said entry having since been cancelled as embracing land within the limits of the railroad grants made by Congress by act approved fifteenth May, eighteen hundred and fifty-six.

Repayment to Robert A. Matthews of price of land entry since canceled.

No. 2685.—AN ACT authorizing the Secretary of the Interior to issue a land warrant to Daniel Davis.

Jan. 29, 1861.
Vol. 12, p. 891.

Be it enacted, f.c., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a land warrant for one hundred and sixty acres to Daniel Davis for his services as a teamster in Wayne's war, in seventeen hundred and ninety-five.

Land warrant to issue to Daniel Davis.

No. 2686.—AN ACT to establish a land office in Colorado Territory, and for other purposes.

June 2, 1862.
Vol. 12, p. 413.

Sec. 3. And be it further enacted, That an act entitled "An act to graduate [and reduce] the price of the public lands to actual settlers and cultivators," be and the same is hereby repealed. (a)

Graduation act repealed.

(a) See Nos. 2640, 2648, 2649, 2651, 2660, 2698.

No. 2687.—AN ACT to establish certain post roads.

Feb. 24, 1863.
Vol. 12, p. 662.

Sec. 3. And be it further enacted, That the Overland Mail Company now engaged in carrying the United States mail from Saint Joseph, Missouri, to Placerville, California, shall have the privilege of occupying the public lands where their stations are fixed at the rate of not more than one for every ten miles of the route on which said company carry the said mail, and shall have preëmption right therein of any land, not mineral, and not disposed of or reserved, or to which a preëmption or homestead claim has not attached when the same shall be brought into market to the extent of one hundred and sixty acres, to be selected contiguous to and to include their improvements; said preëmption right being in lieu of the same heretofore granted by the twelfth section of the act approved third March, eighteen hundred and fifty-seven, entitled "An act making appropriations for the service of the Post-Office Department during the fiscal year ending thirtieth June, eighteen hundred and fifty-eight." (a)

Overland Mail Company may occupy certain lands, &c.

Pre-emption rights.

(a) See Nos. 2650, 2662, 2663.

No. 2688.—AN ACT to authorize the Secretary of the Interior to issue a land warrant to Richard Fitch, of Ohio.

July 1, 1864.
Vol. 13, p. 592.

Be it enacted, f.c., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a land warrant for one hundred and sixty acres of land to Richard Fitch, of Ohio, in consideration of military services rendered in the Army of the United States during the last war with Great Britain.

Land warrant to issue to Richard Fitch.

July 2, 1864.
Vol. 13, p. 584.

No. 2689.—AN ACT for the relief of William Sawyer and others, of the State of Ohio.

Value of certain lands in Auglaize County, Ohio, to be ascertained, &c.

Whereas by the treaty of Saint Mary's with the Miami Indians, of October six, eighteen hundred and eighteen, the west half of section number twenty-six, the east half of section number twenty-eight, and section number twenty-seven, lying in the county of Auglaize and State of Ohio, were reserved and granted to Joseph Richardville and Joseph Richardville, junior; and whereas all of said lands have since been sold in several parcels to divers persons by the United States and by the State of Ohio, under and by virtue of a grant from the United States; and whereas, by virtue of a judicial sale upon a judgment rendered against the said Joseph Richardville, junior, survivor and sole heir at law of the said Joseph Richardville, senior, the title granted to the said Joseph Richardville, senior, and Joseph Richardville, junior, by said treaty, in all of said lands, has become vested in one Madison Sweetser, the purchaser at said sale; and whereas the said Madison Sweetser has established his title to said lands by sundry judgments in ejectment, recovered in the circuit court of the United States for the northern district of Ohio, against the tenants in possession, holding under titles derived, directly or indirectly, from the United States as aforesaid: Therefore,

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and required to cause the unimproved value of the said tracts of land to be ascertained, by the valuation and assessment of a commissioner to be appointed by him for that purpose, and which commissioner shall, before he proceeds to the assessment and valuation of the same, take an oath faithfully and impartially to perform his duties as such commissioner. And when the said Secretary of the Interior shall thus ascertain the unimproved value of said lands he shall report the same to the House of Representatives at the earliest practicable moment. (a)

(a) See No. 2690.

May 5, 1866.
Vol. 14, p. 608.

No. 2690.—JOINT RESOLUTION providing for the reappraisal of the lands described in an act for the relief of William Sawyer and others of Ohio.

Certain lands in Ohio to be reappraised.

Be it resolved, &c., That the Secretary of the Interior be, and he is hereby, authorized to appoint a commissioner to reappraise the lands described in the act entitled "An act for the relief of William Sawyer and others of Ohio," approved July second, eighteen hundred and sixty-four: *Provided, however,* That the occupants of said lands shall pay all the expenses of the reappraisal. (a)

proviso.

(a) See No. 2689.

June 29, 1866.
Vol. 14, p. 593.

No. 2691.—AN ACT granting land to A. M. Jess, of Josephine County, Oregon.

Preamble.

Whereas the land claimed and settled upon by A. M. Jess, on Apple-gate River, in Josephine County, State of Oregon, under the provisions of the homestead law of May twentieth, eighteen hundred and sixty-two, has since, without his fault, become of no value to him and been in great part destroyed by a change in the channel of said river; and whereas his title to said land is still inchoate and justice requires that he should be permitted to locate and settle upon an equal quantity of other public land in lieu thereof: Therefore,

A. M. Jess may locate and settle upon 160 acres of public lands.

Be it enacted, &c., That the said A. M. Jess be, and he is hereby, authorized to locate and settle upon one hundred and sixty acres of the public lands of the United States, in accordance with the provisions and requirements of the homestead law aforesaid, and, at the expiration of the period therein prescribed, to receive a patent therefor on the terms and conditions therein prescribed: *Provided,* That the title so acquired by him to the land heretofore located and settled upon by him as aforesaid shall revert to the United States: *And provided further,* That said new location and settlement shall not be made upon mineral lands of the United States.

Title to former location to revert to the United States.

New location not to be upon mineral lands.

March 2, 1867.
Vol. 14, p. 665.

No. 2692.—AN ACT for the relief of the heirs of John E. Boulligny.

Land claim of heirs of John E. Boulligny confirmed, and new certificates to issue.

Be it enacted, &c., That there be, and hereby is, confirmed to Mary Elizabeth Boulligny, Corinne Boulligny, and Felice Boulligny, the widow and children of John E. Boulligny, deceased, the one-sixth part of the land claimed of Jean Antoine Bernard d'Antrive, in the State of Louisiana, said one-sixth part amounting to seventy-five thousand eight

hundred and forty acres; and that, inasmuch as the said land embraced in said claim ~~here~~ [has] been already appropriated by the United States to other purposes, certificates of new location, in eighty-acre lots, be issued to the said Mary Elizabeth Bouligny, for her own benefit and that of her said minor children, in lieu of said lands, to be located at any land office in the United States, upon any public lands subject to private entry at a price not exceeding one dollar and twenty-five cents per acre. The Commissioner of the General Land Office is hereby directed to issue said certificates of new location, in accordance with existing regulations in such cases. (a)

(a) See No. 2693.

No. 2693.—JOINT RESOLUTION directing the Secretary of the Interior to suspend the execution of a law passed by the Thirty-ninth Congress for the relief of the heirs of John E. Bouligny.

March 30, 1867.
Vol. 15, p. 353.

Be it resolved, &c., That the Secretary of the Interior be directed to suspend the execution of the act entitled "An act for the relief of the heirs of John E. Bouligny," approved March second, eighteen hundred and sixty-seven, until the further order of Congress. (a)

Act for the relief of the heirs of John E. Bouligny suspended.

(a) See No. 2692.

No. 2694.—AN ACT for the relief of Sally C. Northrop.

July 27, 1868.
Vol. 15, p. 404.

Preamble.

Whereas the petition of Sally C. Northrop represents that in the year eighteen hundred and forty-eight, Henry S. Atwood, a merchant, being solicited thereto by them, purchased the discharges of certain soldiers, and obtained from them powers of attorney to procure and assign the bounty-land warrants to which they were entitled under the ninth section of the act of Congress, approved February eleventh, eighteen hundred and forty-seven; and that before receiving the warrants on the discharges so purchased, the said Henry S. Atwood died; and that subsequently said warrants were duly received by Franklin K. Beck, administrator of the estate of said Henry S. Atwood, and sold by said Beck, as such administrator, to the said Sally C. Northrop, for a full and valuable consideration; and whereas it is further represented by the petitioner that, according to the forms of transfer now prescribed by law, her title to said warrants is defective, and that after careful efforts through several years, she has been unable to find the soldiers in whose names said warrants were issued, and therefore unable to perfect her title to the same; the numbers of said warrants and the names of the soldiers in whose favor they were issued being as follows, viz: 61669, John Holly; 61575, William Luffman; 60613, George W. Bowen; 60823, James Cooper; 61672, John Gilbert; 61556, Adam H. Underwood; 60817, Henry Truitt; 61674, Henry H. Foster; 61822, Joseph Ervin; 61675, John E. Edmundson; 61820, Thomas Johnson; 61676, William Davis; 62062, William M. Connor; 61663, Frederick S. Moore; 60814, Robert Bryan; 61665, William Holley; 60825, Green B. Driscoll; 60822, William Childers; 61819, James Loftin; 61664, John C. Lewis; 61569, Matthew V. Gray; 61806, William B. Buckalew; 61671, William H. Hines; 60816, Pierce L. Alford; 61808, Peter Brookey; 61576, Silas M. Sullivan; 61809, Elebe H. Jones; 62111, William E. Binton; 62337, Zadoc Pitts; 60827, John Lamerson; 62335, Thomas Lindsey; 60828, Wilson Clark; 61807, Wiley Chesser; 60824, Joel Foster; 62336, Augustus Patal; 60821, Jesse Le Grand; 61810, Persel N. Graham; 60815, Milton A. Roach; 62060, Ludwick B. Bright; 61667, Samuel C. Gordon; 61670, Patrick H. Harding; 61666, Farrer Lankaster; 62061, William F. Hunter; 62189, Nicholas M. Fain; 61805, John Bradley; 60812, Robert Beealey; 62064, Robert D. Brooks; 70861, Columbus W. Howard; 62373, John M. Castello; 61577, James Murray; 61562, George Somers; 62063, Charles R. Brewer; —, John Burner: Therefore,

Be it enacted, &c., That upon the location, in accordance with law, by Sally C. Northrop, or her assigns, and the presentation of any of the foregoing bounty-land warrants so located, to the Commissioner of the General Land Office with proper legal evidence that the same has been assigned to the aforesaid Sally C. Northrop by Franklin K. Beck, as administrator of the estate of the aforesaid Henry S. Atwood, it shall be the duty of said Commissioner to issue patents for the land so located as in other cases.

Patents to issue to Sally C. Northrop, &c., for land, &c.

March 3, 1860.
Vol. 15, p. 456.

No. 2695.—AN ACT for the relief of Henry Barricklow.

Preamble.

Henry Barricklow may locate, &c., certain duplicate land warrants.

Whereas, on the twenty-eighth day of March, eighteen hundred and fifty-nine, by the sinking of the steamboat "Nat. Holmes," in the Ohio River, near the city of Aurora, Indiana, Henry Barricklow lost the following-described twenty-three land warrants, to wit: Numbers fifty-three thousand nine hundred and eleven, eighty thousand two hundred and eighty-five, eighty thousand three hundred and nine, and eighty thousand three hundred and forty-one, issued under the act of February eleventh, eighteen hundred and forty-seven; number seven hundred and ninety, issued under act of March twenty-second, eighteen hundred and fifty-two; and numbers thirty-one thousand and seventy-eight, thirty-four thousand two hundred and sixty-six, forty-four thousand and thirty-seven, forty-nine thousand nine hundred and eighty-six, fifty-five thousand one hundred and thirty-two, fifty-seven thousand three hundred and thirteen, sixty thousand one hundred and one, sixty thousand four hundred and eleven, sixty-two thousand four hundred and eighty-eight, sixty-six thousand four hundred and eighty-one, seventy-one thousand three hundred and fifty-seven, eighty thousand and forty-three, eighty-one thousand six hundred and eighty-three, eighty-one thousand eight hundred and thirty, eighty-two thousand four hundred and twenty-one, eighty-two thousand seven hundred and ninety-six, eighty-two thousand nine hundred and eighteen, and eighty-four thousand four hundred and eighty-nine, [issued under] act of March third, eighteen hundred and fifty-five; each for one hundred and sixty acres; and whereas duplicates of said warrants have been issued by the Commissioner of Pensions and delivered to said Barricklow: Therefore,

Be it enacted, &c., That said Henry Barricklow is hereby authorized to locate, or sell and assign, said duplicate land warrants in the same manner as if the same had been issued in his name, and patents shall be issued by the Commissioner of the General Land Office, on the location of said duplicate warrants, as in case of other land warrants.

June 1, 1872.
Vol. 17, p. 670.

No. 2696.—AN ACT for the relief of Phoebe Hepburn.

Preamble.

Whereas it is alleged that Phoebe Hepburn was the owner by purchase and assignment of the following bounty-land warrants, issued under the act of March three, eighteen hundred and fifty-five, to wit: Numbers sixty-nine thousand eight hundred and ninety-six, fifty-nine thousand four hundred and nineteen, eighty-six thousand one hundred and fifty-seven, eighty-eight thousand six hundred and nineteen, ninety-one thousand seven hundred and twenty-four, thirty-one thousand five hundred and fifty-eight, sixty-seven thousand four hundred and seventeen, fifty-nine thousand nine hundred and seventy-eight, eighty-seven thousand two hundred and seventy-seven, ninety-one thousand seven hundred and seven, seventeen thousand four hundred and eighty-one, and ninety-five thousand three hundred and twenty, for one hundred and twenty acres each; and numbers sixty-one thousand eight hundred and eighty-one, and fifty-seven thousand five hundred and thirty-two, for one hundred and sixty acres each; in all, fourteen warrants; that in the year eighteen hundred and fifty-seven she placed said warrants in the hands of Salmon Sharp as her agent, to locate or otherwise dispose of them for her; that said agent did sell four of said warrants, to wit, one of the one hundred and sixty acre warrants, and three of the one hundred and twenty acre warrants, and made a memorandum of their respective numbers, and to whom sold, and placed it among the ten remaining unsold warrants; that by an accident said memorandum and the ten warrants were dropped in a cattle-yard, and were eaten up by the cattle, and, having no other memorandum, he is unable to state the numbers of the warrants that were sold, consequently, cannot arrive at the numbers of the ten warrants that were not sold; and whereas it appears from the records of the General Land Office that warrant number sixty-one thousand eight hundred and eighty-one, for one hundred and sixty acres, and numbers fifty-nine thousand four hundred and nineteen, and seventeen thousand four hundred and eighty-one, for one hundred and twenty acres, being three of the above-named warrants, have been returned to said office located, leaving but one of the sold warrants not accounted for: Therefore,

Be it enacted, &c., That upon satisfactory proof being made to the Commissioner of Pensions that Phoebe Hepburn was the bona-fide owner, by purchase and assignment to her, of said warrants, numbers sixty-nine thousand eight hundred and ninety-six, eighty-six thousand one hundred and fifty-seven, eighty-eight thousand six hundred and nineteen, ninety-one thousand seven hundred and twenty-four, thirty-one thousand five hundred and fifty-eight, sixty-seven thousand four hundred and seventeen, fifty-nine thousand nine hundred and seventy-eight, eighty-seven thousand two hundred and seventy-seven, ninety-one thousand seven hundred and seven, and ninety-five thousand three hundred and twenty, for one hundred and twenty acres each, and fifty-seven thousand five hundred and thirty-two for one hundred and sixty acres, all issued under act of March third, eighteen hundred and fifty-five, being eleven of the warrants mentioned in the above preamble, he is hereby authorized and directed to issue duplicates of said warrants, and to endorse on the back of each certificate stating that this duplicate is issued in pursuance of this act, and that Phoebe Hepburn is the bona-fide owner thereof; that she is hereby authorized to locate or sell and assign the same in the same manner as though said duplicate warrant was duly assigned to her by the warrantee. Thereafter said Commissioner of Pensions will transmit said duplicate warrants to the Commissioner of the General Land Office, who is authorized to deliver ten of said duplicate warrants to Phoebe Hepburn, or her legal representatives, under such rules, regulations, and requirements as to said Commissioner may seem just and proper, in order to preserve as well the rights of the parties interested as that of the United States, and upon the said Phoebe Hepburn giving such security as said Commissioner shall require to indemnify the United States against loss in the premises; and to this end he will retain the remaining duplicate warrant on the files of his office, until the warrant said to have been sold shall be returned to his office, located or otherwise.

Certain duplicate land warrants to be issued to Phoebe Hepburn upon proof, &c.

Indemnity to the United States.

SEC. 2. That upon the final adjustment of said matter, and when the number of the sold warrant not accounted for shall be ascertained, then, and in such case, the corresponding duplicate warrant shall be, by the Commissioner of the General Land Office, returned to the Commissioner of Pensions for the purpose of being cancelled, thus leaving but ten of said duplicate warrants to be satisfied by the United States.

Duplicate warrant to be returned, upon, &c.

No. 2697.—AN ACT for the relief of Harriet Spring, the heir of Captain Williams Barker, deceased.

June 10, 1872.
Vol. 17, p. 701.

Be it enacted, &c., That there be paid to Harriet Spring, of Waterville, Maine, the heir of Captain Williams Barker, of Waterville, Maine, out of any money in the Treasury not otherwise appropriated, the half-pay of a captain from the end of the revolutionary war to the death of Captain Barker, February nineteenth, eighteen hundred and nineteen; and that a warrant be issued to the said Harriet Spring for such bounty land as she, in virtue of the services of the said Captain Williams Barker, deceased, as a private soldier in said war is entitled to receive.

Payment to Harriet Spring.

No. 2698.—AN ACT to confirm certain entries of lands therein named.

Feb. 17, 1873.
Vol. 17, p. 464.

Be it enacted, &c., That all entries of public lands under the act to graduate and reduce the price of the public lands subject to entry to actual settlers and cultivators, approved the fourth day of August, eighteen hundred and fifty-four; made prior to the passage of this act, in which the purchaser has made the affidavit and paid, or tendered, the purchase money as required by said act, and the instructions issued and in force, and in the hands of the register at the time of making said entry, are hereby legalized, and patents shall issue to the parties, respectively, provided that in case of tender the money shall be paid, excepting those entries under said act which the Commissioner of the General Land Office may ascertain to have been fraudulently or evasively made: *Provided,* That this act shall not be so construed as to confirm any of said entries which have heretofore been annulled and vacated by said Commissioner on account of fraud, evasion of law, or other special cause: *And provided further,* That nothing herein contained shall be so construed as to deprive any actual settler and cultivator of his right to any land on which he resided at the time of an entry by another person under the act to which this is an amendment. (a)

Certain entries of public lands legalized.

Patents.
Tender.

Entries heretofore annulled not confirmed.

Rights of actual settlers.

(a) See Nos. 2640, 2643, 2649, 2651, 2660, 2666.

March 2, 1877.
Vol. 19, p. 512.

Land warrants
to issue to An-
drew Williams.

No. 2699.—AN ACT for the benefit of Andrew Williams of Weakley County, Tennessee.

Be it enacted, &c., That the Commissioner of Pensions be and he is hereby, directed to issue to Andrew Williams two land warrants for eighty acres each, in lieu of land warrants numbered thirty-two thousand seven hundred and sixteen, and forty-three thousand and eight, the first of which was issued to Martha McNabb, widow of John W. McNabb, and the latter to Rebecca Skaggs, widow of Charles Skaggs, and which were located upon the land above described: *Provided*, That such land warrants shall not be issued to the said Andrew Williams until the patents issued to B. E. McNabb shall be returned to, and canceled by, the Commissioner of the General Land Office, and that fact be certified by him to the Commissioner of Pensions.

May 25, 1878.
Vol. 20, p. 535.

Cattaraugus
Indian reserva-
tion; resurvey of.

No. 2700.—AN ACT to authorize the survey of the Cattaraugus Indian reservation in the State of New York.

Be it enacted, &c., That the Secretary of the Interior is hereby authorized to cause the Cattaraugus Indian reservation in the State of New York to be resurveyed in accordance with the original survey thereof, and the exterior boundaries thereof to be marked by stone or iron monuments; the expense thereof not to exceed the sum of two thousand dollars, and to be paid by the Seneca nation of Indians, who are authorized to select a surveyor, to be approved by the Secretary of the Interior, and the said Secretary may pay the said sum of two thousand dollars, to the person who makes the survey out of any moneys under his control belonging to said nation of Indians.

Plats, field-
notes.

SEC. 2. That the surveyor shall make plats in triplicate of the said reservation, showing the lines of its exterior boundaries, streams of water, and public highways on or running through the reservation; and that the plats and field-notes of the survey shall be submitted to the Commissioner of the General Land Office for his examination and approval, and whose duty it shall be to furnish one copy thereof to the clerk of the county of Erie, in the State of New York, one copy to the Seneca nation of Indians, and the third to be retained in the General Land Office.

March 3, 1879.
Vol. 20, p. 670.

Anna M. Clark.
Land claim re-
jected.

No. 2701.—JOINT RESOLUTION approving the adverse decision of the Commissioner of the General Land Office in the claim of Anna M. Clark.

Resolved, &c., That the decision of the Commissioner of the General Land Office adverse to the claim of Anna M. Clark (Executive Document Number Twelve, House of Representatives, first session, Forty-fourth Congress), be, and the same is hereby, approved, and the said claim is hereby rejected.

May 3, 1880.
Vol. 21, p. —.

Rights restored
to C. B. Ingham,
H. Bryant, G. A.
Wood, R. Parker,
J. H. Pinkerton,
and E. G. Wright.

No. 2702.—AN ACT for the relief of Cyrus B. Ingham, of the Territory of Dakota, Harvey Bryant and Guilford A. Wood, of Kansas, and Richard Parker, of Minnesota, James H. Pinkerton, of Colorado, and Ed. G. Wright, of Kansas.

Be it enacted, &c., That the right to homestead pre-emption and timber-culture entry, upon public lands, subject thereto, is hereby restored to Cyrus B. Ingham of the Territory of Dakota, Harvey Bryant and Guilford A. Wood of Kansas, and Richard Parker of Minnesota, James H. Pinkerton of Colorado, and Ed. G. Wright of Kansas, as fully as though they had not heretofore made any one or all of such entries, and had abandoned the same or for any cause they have been unable to perfect their title thereto: *Provided*, That this act shall not be so construed as to enable any of said parties to procure title to land, either as a homestead pre-emption or timber-culture claim in excess of what is fixed and provided by law.

May 19, 1880.
Vol. 21, p. —.

Preamble.

No. 2703.—AN ACT for the relief of George Heard.

Whereas George Heard, of Pettis County, Missouri, did on June eighth, eighteen hundred and fifty-two, at the then Clinton (Missouri) land office, attempt to locate bounty-land warrant number sixty-one thousand one hundred and seventy-eight, for one hundred and sixty acres of land, act of eighteen hundred and forty-seven, issued to Chester Hebner, upon the west half of lot two of northeast quarter and east half of lot two of northwest quarter, section two, township forty-five, and

west half of southeast quarter, section thirty-five, township forty-six, range twenty-one, the transfer of said bounty-land warrant being in blank, and the said land warrant and the application of said George Heard to locate the same upon said lands were duly forwarded to the General Land Office in Washington, District of Columbia, and were returned by said General Land Office to the Clinton (Missouri) land office for correction, and were burned and destroyed in said land office, November twenty-sixth, eighteen hundred and sixty-one, at Warsaw, Missouri, to which said Clinton land office had been removed, and said Heard was not notified of the said return of said warrant, for correction, and could not therefore make the correction, and did not know of the said defective assignment of said warrant or its return for correction, or its destruction until very recently, and until said Chester Hebner, in whose name such warrant was issued, had died or disappeared, and it was impossible for him to correct said error; and said George Heard did, in July, eighteen hundred and seventy-eight, pay the purchase money for said lands, two hundred dollars in cash, and make a cash entry of the same, and receive a patent therefor, and was at the time of the attempted location of said land warrant the actual and real owner thereof, and no other person has ever claimed or attempted to locate the same, and said warrant is now lost and destroyed; and said George Heard is in justice entitled to have issued to him another land warrant in lieu of said warrant so burned: Therefore,

Be it enacted, &c., That the proper officers of the Interior Department be, and hereby are, authorized and directed to prepare and cause to be issued and delivered to the said George Heard, assignee of Chester Hebner, a bounty-land warrant, for one hundred and sixty acres of land, in lieu of said bounty-land warrant number sixty-one thousand one hundred and seventy-eight, issued under said act of Congress of eighteen hundred and forty-seven, and so burned and destroyed, in such form that the same can be located by said George Heard, or assigned and transferred by him, and located by his assignee.

Land warrant
to be issued to
George Heard.

No. 2704.—AN ACT for the relief of William D. Oyler.

June 10, 1880.
Vol. 21, p. —

Preamble.

Whereas, William D. Oyler, purchased of the United States, by cash entry on the twenty-first day of July, eighteen hundred and seventy-four, at Dixon, Illinois, the west half of the northeast quarter of section nineteen, in township twenty-six north, of range six east, and paid therefor the sum of one hundred dollars, and afterward conveyed the same to Jacob Jackson, who conveyed the same to Peter H. Bigelow and John Jackson, who were in fact, partners in trade; and

Whereas afterward the title of said William D. Oyler and his assignees to said land failing, by reason of conflict of his entry with a prior pre-emption claim thereon of John Shumaker, and the said William D. Oyler, because of said failure of title, having, as appears, afterward refunded the purchase money to said Peter H. Bigelow and John Jackson, and thereby became entitled to have said original purchase money refunded to him by the United States; and

Whereas the same has never been refunded because of technical insufficiency of the quit-claim made by said assignees to said Oyler: Now, therefore,

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to refund and pay to said William D. Oyler, or his legal representatives, the sum of one hundred dollars in full satisfaction and discharge of any claim in the premises.

Repayment to
William D. Oy-
ler.



MILITARY RESERVATIONS
IN
PUBLIC LAND STATES AND TERRITORIES.

ALABAMA.

At entrance to Mobile Bay.—The small islands between the north point of Dauphin Island and Cedar Point, were reserved by Executive order dated February 9, 1842. The names of part of them are Heron, Tower, and Grant's islands. No survey of them was ever returned to General Land Office. Area not determined. May 18, 1878, the Secretary of War reported that Heron, Tower, and Grant's islands should be retained, and the other islands be relinquished.

ALABAMA AND MISSISSIPPI.

Islands in Gulf of Mexico.—By Executive order dated August 30, 1847, there were reserved the following islands and parts of islands in the Gulf of Mexico, off the coasts of Mississippi and Alabama: All that part of Cat Island owned by the Government; all of Ship, Round, Hurricane and Dog islands; the west and east ends of Horn Island, and the west and east end of Petit Bois Blanc Island. Dog and Hurricane islands are not surveyed, are not on Coast Survey chart, and are supposed to have been washed away. Area of reservations, 6,061.64 acres. May 18, 1878, the Secretary of War reported Cat Island, and parts of Horn Island and Petit Bois Blanc Island, not needed for military purposes.

ARIZONA TERRITORY.

Camp Apache.—This reservation was formerly a part of the White Mountain Indian reservation, and was restored to the public domain by Executive order dated January 26, 1877, and on February 1, 1877, was declared a military reservation. It contains 7,421.14 acres.

Camp Bowie.—Near Chiricahui Mountains. Originally declared by Executive order dated March 30, 1870. Enlarged by Executive order dated November 27, 1877, so as to contain 36 square miles, or 23,040 acres.

Camp Crittenden.—In township 21 S., ranges 16 and 17 E. Reserved by Executive order dated March 30, 1870. Contains 3,278.08 acres. Recommended by Secretary of War to be relinquished to Interior Department.

Camp Goodwin.—On south side of Gila River. Reserved by Executive order dated August 20, 1867. Six miles square, or 23,040 acres. Part of this reservation was subsequently included in another reservation called *Camp Thomas*. That part not included in *Camp Thomas* reservation recommended by Secretary of War to be relinquished to the Interior Department.

Camp Grant (Old).—Situated at the junction of Arivaps Creek and Rio San Pedro. Contains 2,031.70 acres. The Secretary of War reports the post as abandoned, and recommends to Congress that the reserve be sold.

- Camp Grant (New).*—At the foot of Graham Peak, in townships 8, 9, and 10 S., ranges 23 and 24 E. Reserved by Executive order dated April 17, 1876. Contains 42,341 acres.
- Camp Lowell.*—In townships 13 and 14 S., ranges 14, 15, and 16 E. Declared October 26, 1875. Contains 78 square miles, or 49,920 acres.
- Camp McDowell.*—Situated on river Verde, ten miles along the river, and extends two miles on each side of the river. Declared by President April 12, 1867. Contains 24,750.15 acres.
- Camp Mojave.*—On Colorado River. Declared by Executive order dated March 30, 1870. Contains 5,582 acres. The reservation for hay and wood for Camp Mojave was declared also on March 30, 1870, and contains 904.81 acres.
- Camp Thomas.*—Mainly in township 4 S., range 23 E. Declared May 18, 1877, by Executive order. Contains 10,487 acres. This reservation was, in great part, reserved in 1867 as *Camp Goodwin*.
- Camp Verde.*—On the river Verde, and partly in township 13 N., range 5 E., Gila and Salt River meridian. Originally declared by Executive order dated March 30, 1870. Enlarged by Executive order dated August 17, 1876. Contains 9,293.79 acres.
- Camp Verde Post Garden.*—Reserved by Executive order dated October 24, 1871. Contains 3,000 acres.
- Fort Whipple.*—In townships 13 and 14 N., range 2 W. Originally declared by Executive order dated August 31, 1839. By Executive order dated October 19, 1875, it was relocated so as to contain 1,730 acres, and that part of former reservation excluded from the relocation was disposed of under act of Congress approved June 22, 1874. (See No. 2225.)
- Fort Whipple Timber Reserve.*—In township 13 N., range 2 W. The northeast quarter and south half of section 34; west half of northwest quarter, and west half of southwest quarter of section 35; and east half of southeast quarter of section 33, amounting to 720 acres.
- Fort Yuma.*—(See CALIFORNIA.)

ARKANSAS.

- Fort Smith National Cemetery.*—At Fort Smith. Originally included in *Fort Smith* military reservation, which was reserved July 22, 1822, at request of Secretary of War and was relinquished to Interior Department under act of Congress approved February 24, 1871. (See No. 2305.) The cemetery grounds were reserved by Executive order dated May 22, 1871, and enlarged by Executive order dated December 3, 1875. As so enlarged, it contains 14.81 acres, in section 17, township 8 N., range 32 W.
- Quarrying Reservation* for stone for public buildings at Little Rock Arsenal.—By order of Commissioner of General Land Office dated April 11, 1839, the tracts selected by Lieutenant J. F. Lee for quarrying purposes in sections 25 and 36 of township 4 N., range 15 W., containing 280.96 acres, were reserved.

CALIFORNIA.

- Alcatraz Island.*—In bay of San Francisco. Reserved by Executive order dated November 6, 1850. Not surveyed. Area not known.
- Angel Island.*—In bay of San Francisco. Reserved by Executive orders dated November 6, 1850, and April 20, 1860. Area not known.
- Benicia Barracks and Arsenal.*—Declared by Executive order dated October 10, 1862. Area, 344.90 acres.
- Camp Cady.*—On Mojave River, in township 10 N., range 5 E., S. B. meridian. Declared by Executive order dated June 3, 1870, and contains an area of 1,562 acres. May 18, 1878, Secretary of War reported post abandoned April 24, 1871, and recommendation made to Congress that the reservation be relinquished to Interior Department for disposition.

- Camp Gaston*.—Situated within Hoopa Valley Indian reserve, in township 8 N., range 5 E., Humboldt meridian. Extends one mile along Trinity River, and contains an area of 451.50 acres. Declared by Executive order dated April 2, 1869.
- Camp Independence*.—Reservation declared by Executive order dated January 23, 1866. Post reserve: lot 1 of northeast quarter of section 1, township 13 S., range 34 E., and west half of lot 1 of northwest quarter of section 6, township 13 S., range 35 E., M. D. meridian. Area, 120 acres. Hay reserve: sections 3 and 4 of township 13 S., range 35 E. Area, 2,530.18 acres.
- Deadman's Island*.—Lot 1 of section 19, township 5 S., range 13 W., S. B. meridian, containing 2 acres. Reserved by Executive order dated March 15, 1872.
- Fort Bidwell*.—Situated in township 46 N., ranges 15 and 16 E., M. D. meridian. Originally declared October 19, 1866. Enlarged by Executive order dated October 4, 1870, so as to contain 2,561.45 acres.
- Fort Bidwell Wood Reservation*.—Declared February 7, 1871. Contains 640 acres.
- Fort Crook*.—Situated in townships 37 and 38 N., range 4 E., M. D. meridian. Estimated area 2,560 acres. Never declared by Executive. Post abandoned June 1, 1869. Government buildings sold and recommendation made by Secretary of War to Congress for relinquishment of reserve to Interior Department for disposal.
- Fort Hill, or Monterey*.—At Monterey. Declared by Executive order dated November 23, 1866. Area not known.
- Fort Reading*.—In townships 30 and 31 N., range 3 W., M. D. meridian. Abandoned in 1869. Post established by War Department in 1862. Reservation never declared by President. Lands withheld from disposal under opinion of Attorney-General that military occupancy constituted a reservation in California, so that lands within a mile of the post could not be sold without an act of Congress authorizing it. Recommendation made by Secretary of War to Congress for authority to transfer reservation to the Interior Department. Measure was pending before second session, Forty-sixth Congress. Area, 3,962.90 acres.
- Fort Yuma, in California and Arizona*.—Declared by Executive order dated January 22, 1867. Situated at junction of Gila and Colorado rivers. Area, 5,224.30 acres, less the amount granted by the act of Congress approved January 23, 1875, to Yuma City, said grant not exceeding ten acres. (See No. 2226.)
- Molate Island, or Golden Rock*.—In San Francisco Bay. Reserved March 2, 1858, by Secretary of Interior, in anticipation of its being needed by War Department. Unsurveyed. Area not known.
- Peninsula Island*.—In bay of San Francisco, in township 1 S., ranges 5 and 6 W., M. D. meridian. Declared by Executive order dated August 20, 1867. Unsurveyed. Area not known.
- Point Loma, San Diego Harbor*.—Reserved by Executive order dated February 26, 1852, "to include that portion of the peninsula lying on west side of entrance to the harbor, which shall be included between the southernmost point of the peninsula (Punta de Lomas) and a line drawn across said peninsula from the harbor to the ocean at distance of one and one-half miles above Punta de Guisano." Area not stated.
- Point San José*.—Declared by Executive orders dated November 6, 1850, and December 31, 1851. Area, 130.24 acres, less the area relinquished to the city and county of San Francisco by act of Congress approved July 1, 1870. (See No. 2384.)
- Presidio Reserve No. 1 (Fort Point)*.—On bay of San Francisco. Declared by Executive orders dated November 6, 1850, and December 31, 1851. Area, 1,382.22 acres.
- San Solito, Bay Point*.—By Executive order dated November 6, 1850. From southern boundary San Solito Bay a line parallel to the channel of entrance to the Pacific. Area not given.
- Three Brothers, Three Sisters, and Marin Islands*.—In entrance to San Pablo Bay. Declared by Executive order dated October 25, 1867. Unsurveyed. Area not known.
- Yerba Buena Island*.—In San Francisco Bay. Declared a reservation by Executive orders dated November 6, 1850, and October 12, 1866. Unsurveyed. Area not given.

COLORADO.

- Fort Garland*.—In township 30 S., range 72 W. of sixth P. M. Area 2,560 acres. Declared by Executive order dated March 29, 1870. It falls within the limits of the Sangre de Christo grant as surveyed and patented.
- Fort Lewis*, at Pagosa Springs.—Declared by Executive order dated January 28, 1879. Six miles square, excluding the one mile square at the springs reserved as a prospective town site. Area, 35 square miles, or 22,400 acres.
- Fort Lyon*.—On Arkansas River, and including certain islands in the river. Originally declared August 8, 1863. Modified by Executive order dated September 1, 1868. Area as modified 5,874 acres, less 10 acres for depot and right of way to railroad company, granted by act of Congress approved June 23, 1874. (See No. 2187.)
- Fort Sedgwick*.—On South Platte River, partly in Nebraska and partly in Colorado. Declared by Executive order dated June 28, 1869. The Secretary of War reported May 18, 1878, that the post was abandoned May 31, 1871. Recommendation made to Congress for authority to transfer the reserve to Interior Department. Area of reservation, 64 square miles, or 40,960 acres.
- Pike's Peak*, Signal Station.—Declared by Executive order dated December 23, 1873. Area, 8,192 acres.

DAKOTA TERRITORY.

- Fort Abraham Lincoln*.—On west bank of Missouri River at crossing of Northern Pacific Railroad. Also includes Sibley Island. Declared originally February 11, 1873. Present reservation declared December 17, 1875. Area not known.
- Fort Buford*.—Situated in Montana and Dakota, on the Yellowstone and Missouri rivers. Declared by Executive order dated August 18, 1868. Area, 30 miles square, or 576,000 acres.
- Fort Meade*.—In townships 5 and 6 N., range 5 E., Black Hills meridian. Two miles wide, six miles, ten chains and ten feet long. Area about 7,840 acres.
- Fort Pembina*.—Declared by Executive order dated October 4, 1870. Sections 16, 17, 18, and fractional section 15, township 163 N., range 51 W. of fifth P. M. Area, 1,899.08 acres.
- Fort Randall*.—On the Missouri River. Declared by Executive order dated June 14, 1860. Portion relinquished by Secretary of War, September 9, 1867, and resumed October 25, 1870, according to original limits. Under act of Congress approved May 18, 1874 (No. 1944), small portions of the reserve have been relinquished by the Secretary of War to be disposed of to settlers who had claims to same. Reservation mostly unsurveyed. Estimated area, 150 square miles, or 96,000 acres.
- Fort Rice*.—Situated on the Missouri River. Declared by Executive orders dated September 2, 1864, and January 22, 1867. Not surveyed. Area estimated at 160 square miles, or 102,400 acres.
- Fort Stevenson*.—Declared by Executive order dated June 30, 1868. Situated on the Missouri River. Unsurveyed. Area estimated at 75 square miles, or 48,000 acres.
- Fort Sully*.—Situated on the Missouri River. Originally declared by Executive order dated December 10, 1869. By Executive order dated January 17, 1877, it was reduced by leaving out that part of the original reserve west of the east bank of the Missouri River, the same being within the Sioux Indian reservation. Present area, unsurveyed, estimated to be about 45 square miles, or 28,800 acres.
- Fort Totten*.—On Cheyenne River and Devil's Lake. Originally declared by Executive order of January 11, 1870. Enlarged by Executive order dated October 7, 1873, by adding to it all islands in Devil's Lake. Reduced by General Orders No. 17, August 28, 1876. Present limits: First, all islands in Devil's Lake. Second, tract bounded on east line between ranges 64 and 65 W.; on south by the Cheyenne River; on west by line between ranges 65 and 66 W.; on north by Devil's Lake. Area estimated at about 46,000 acres.
- Fort Wadsworth*.—Situated in townships 124, 125, 126, and 127 N., ranges 55 and 56 W., fifth P. M. Originally declared by Executive order dated March —, 1867. Again declared October 14, 1867. Modified by Executive order dated February 7, 1871, so as to leave out that part formerly embraced within the Sisseton and Wahpeton Indian reservation. Area, 78,400 acres.

FLORIDA.

- Babbitt or Battard Island.*—Reserved by order of Secretary of War dated March 23, 1849. "The whole of Babbitt or Battard Island occupied by the pilots; situated south of the Fort George Island or north bank of Saint John's River, and the land westward between said island and the inland pass from the Saint John's to the Saint Mary's River for the entire length of the island." The records show that said island was sold in 1839, and the remainder of the reservation was selected by the State in 1855 as swamp land, but has not been approved. Area not known.
- Cedar Keys.*—Originally reserved March 2, 1840. Again reserved March 23, 1849. By order of the Secretary of War, May 18, 1878, the War Department relinquished all except North, Snake, and Mullet Keys. Area of North and Snake Keys 211.65 acres. Mullet Keys is at the entrance to Tampa Bay and is not one of the "Cedar Keys." Area not known.
- Charlotte Harbor, Islands in.*—By order of the Secretary of War, dated March 23, 1849, there were reserved Gasparilla Island, Boca Grande Island, and the small islands east and within one mile of said islands. May 18, 1878, the Secretary of War relinquished all except the south end of Gasparilla Island for a length of two miles, and the north end of Boca Grande or Cayo Costa Island for a length of two miles. Area not relinquished, 2,143.38 acres; situated in townships 43 and 44 S., range 20 E., and township 44 S., range 21 E.
- Crooked Island, Saint Andrew's Sound.*—By order of the Secretary of War dated March 23, 1849, there was reserved "the tongue or neck of land, called Crooked Island, east of the several entrances to the sound." Area not known.
- Dry Tortugas.*—Reserved by Executive order dated September 17, 1845. Not surveyed. Area not known.
- Egmont Island.*—At the entrance to Tampa Bay. Reserved by order of Secretary of War dated March 23, 1849. Area not obtainable.
- Fort Barrancas.*—In Pensacola Harbor. Area not known. Said to have been declared February 9, 1842. Order not found. But it falls within the *Naval Reservation* declared by Executive order dated January 10, 1838.
- Fort Brooke.*—At Tampa. Originally reserved December 10, 1830. Reduced several times. Relinquished to the Interior Department and again resumed. Finally declared by Executive order dated May 29, 1878. Area, 155.50 acres.
- Fort Clinch.*—North end of Amelia Island. Reserved by Executive order dated February 9, 1842. Fractional section 8, township 3 N., range 29 E.; fractional section 11, and lots 1 and 2 of section 14, township 3 N., range 28 E. Area, 419.44 acres. Lot 2 of section 14 was patented to D. L. Yulee, September 5, 1853.
- Fort Marion, &c.*—At Saint Augustine. By orders of the Secretary of War dated October 13, 1838, and March 23, 1849. By the latter order all the public land in the town and vicinity of Saint Augustine, including the site of the work at Matanzas Inlet, was ordered to be reserved for military purposes until the completion of the surveys necessary for the location of the required defenses. Exact area of reservation not known.
- Fort MoRes.*—Near Pensacola. In township 3 S., range 31 W. Reserved by Executive order dated February 9, 1842. "All the public land within one mile of the fort, on Foster's Bank." Area not determined.
- Key West Shoals.*—Reserved by Executive order dated September 17, 1845. Area not known.
- Saint George's Sound.*—By order of the Secretary of War dated March 23, 1849, there was declared reserved, 1st, at the West Pass, the small sand island called Flag Island; 2d, the west end of Saint George's Island for a distance of two miles; 3d, the whole of Dog Island. Dog and Saint George's Islands were included in the patent to Colin and Robert Mitchell *et al.*, issued June 9, 1842, being a part of "Forbes's purchase." Area of Flag Island not known.
- Saint Joseph's Bay.*—By Executive order dated November 12, 1838, and by order of Secretary of War dated March 23, 1849, "the whole neck or peninsula forming the Bay of Saint Joseph from its northern extremity, or Point Saint Joseph, to its connection with the main land at the eastern shore of the bay, including Cape San Blas," situated in townships 7, 8, and 9 S., range 10 W., and township 9 S., range 11 W. A considerable part of these lands was sold prior to the date of the orders reserving them. Area of present reservation, 3,851.21 acres.

Saint Mark's.—Under section 2 of act of Congress approved March 2, 1833 (No. 1651), and by order of the President dated January 28, 1852, "all the public land between the Fort and Third street in the town of Saint Mark's." Area not known. By decree of the superior court, middle district of Florida, made June 30, 1833, there was also reserved to the United States for Fort Mark's a tract of 305.75 acres out of the limits claimed as private land and known as "Forbes's purchase," adjacent to the fort. The site of the fort was reserved by order of the Secretary of War, March 23, 1849.

Santa Rosa Sound.—By Executive order dated February 9, 1842, there was reserved "so much of the point opposite to and east of the east end of Santa Rosa Island as lies in township 2 S., range 22 W." Area, 5,958.20 acres.

IDAHO TERRITORY.

Camp Three Forks, Owyhee (formerly Camp Lyon).—Partly in Oregon and partly in Idaho. Declared by Executive order dated April 6, 1869. Area of post, wood and grazing reserves, 4,800 acres. The Secretary of War reports this post abandoned, public buildings sold, and recommendation made to Congress for authority to relinquish the reservation to Interior Department.

Fort Boise.—In Boise Valley, one-half mile from Boise City. Declared by Executive order dated April 9, 1873. Area, 638 acres. Hay reserve declared September 18, 1874. Area, 557.55 acres.

Fort Cœur D'Alene.—Temporarily withdrawn October 12, 1877, by request of Secretary of War. Declared by Executive order dated August 25, 1879. The President's order of April 22, 1880, cancels the order of August 25, 1879, and in lieu thereof reserves two tracts of 640 acres each, one being the post reservation, the other for winter pasturage. Area of reservations, 1,280 acres.

Fort Hall.—Within the Fort Hall Indian reservation, in township 3 N., range 38 E. Declared by Executive order of October 12, 1870. Area, 646.50 acres.

Fort Lapwai.—Situated within Nez Perce Indian reservation, in township 35 N., range 4 W. Originally declared April 23, 1864; finally declared by Executive order dated June 15, 1871. Area of post reserve, 640 acres; and of hay reserve, 586 acres.

ILLINOIS.

Fort Armstrong.—Rock Island. In fractional township, 18 N., ranges 1 and 2 W. of fourth P. M. Reserved by requests of Secretary of War dated March 2, 1825, and September 11, 1835, containing 896.94 acres. By act of Congress approved June 27, 1866, certain small islands were added to the reserve and right of way was granted to Rock Island Railroad Company. By act approved April 2, 1844 (No. 419), the fractional southeast one-fourth of section 25 of township 18 N., range 2 W., was allowed to be entered by George Davenport.

KANSAS.

Fort Dodge.—On the Arkansas River. Declared by Executive order dated June 22, 1868. Area of reservation, 43,461 acres.

Fort Hays.—In townships 13 and 14 S., ranges 18 and 19 W. Declared by Executive order dated August 28, 1868. Area, 7,600 acres.

Fort Larned.—In townships 21 and 22 S., ranges 17 and 18 W. Declared by Executive order dated January 3, 1868. Area, 16 square miles, equal to 10,240 acres.

Fort Leavenworth.—In township 8 S., range 22 E. Declared by Executive order dated October 10, 1854, as containing 5,471 acres, including 99 acres of improvements lying on Delaware lands. In 1861, by direction of the Secretary of the Interior, 2,554 acres were detached from the reservation and added to the lands ceded by the Delaware Indians, leaving the area reserved 2,917 acres. By acts of Congress approved July 27, 1868 (No. 2031), a portion of the reservation was granted for a public road and right of way over the reserve was granted to a railroad company. December 23, 1866, twenty acres patented to a coal company. Under authority of joint resolution approved February 9, 1871 (No. 2041), a sale of 128.82 acres was to be made to the Kansas Agricultural Association. Estimated area remaining reserved, about 2,750 acres.

Fort Riley.—In township 11 S., ranges 5 and 6 E. Declared by Executive order dated May 5, 1855. Reduced under joint resolution of Congress approved July 26, 1866, (No. 2100), and order of the President thereunder dated July 19, 1867. Further reduced under act of Congress approved March 2, 1867 (No. 2025). Area after reductions, 19,899.22 acres.

Fort Wallace.—In township 13 S., ranges 37, 38, and 39 W. Declared by Executive order dated August 28, 1868. Area, 8,960 acres.

LOUISIANA.

Baton Rouge, Garrison Grounds.—In township 7 S., range 1 W., Greensburg district, supposed to have been acquired under treaty with France, April 30, 18th 3 (8 Stat., p. 200). Area, 44.17 acres.

Battery Bienvenue.—Reservation by Executive order February 9, 1842. In township 12 S., range 13 E., east of river. The order declared a reservation of "the public lands 1,200 yards each way from the fort." Area not stated.

Fort Jackson.—Declared by Executive order dated February 9, 1842. Reservation consists of section 50, of township 20 S., range 30 E., southeast district, west of Mississippi River. Area, 740.97 acres.

Fort Livingston.—On the coast of Gulf of Mexico. By Executive order dated March 25, 1854, there were reserved certain lands in townships 23 and 24 S., range 22 E., township 23 S., range 23 E., township 22 S., range 24 E., township 21 S., ranges 25, 26, 27, and 28 E., and township 22 S., range 29 E., all in southeast district west of Mississippi River. May 18, 1878, the Secretary of War reports that none of these reserved lands are needed except "so much of Grand Terre Island as the piece of land at the west end of the island, which was purchased by the United States, and is occupied by the site of Fort Livingston, and which is required for defensive purposes." Area of reservation not known, several portions being unsurveyed.

Fort Pike.—By Executive order dated February 9, 1842, a reservation was declared of the "public land within 1,200 yards of Fort Pike." All the land so declared was subsequently patented to the State as swamp land except section 19, of township 10 S., range 15 E., southeast district, east of river and south of Great Rigolet. Area of reserve in section 19 not known.

Fort Saint Philip.—Declared by Executive order dated February 9, 1842. Section 11, township 19 S., range 17 E., southeast district, east of river. Area, 556.12 acres.

Fort Wood.—In township 11 S., range 14 E., southeast district, east of river. Declared February 9, 1842, "all the public land within 1,200 yards of the fort." These lands were found to be covered by a private land claim under French patent.

Tower Dupres.—On right bank of Bayou Dupres, Lake Borgne. Declared by Executive order dated February 9, 1842, "all the public land within 1,200 yards of the fort." In township 13 S., range 14 E., east of Mississippi River. Land found to be covered by private claim. Area not stated.

MICHIGAN.

Bois Blanc Island.—Reserved by Executive order dated November 8, 1827. Previously ceded to the United States by treaty of August 3, 1795, with Wyandot Indians (7 Stat., p. 50). By Executive order, sections 10 to 21, inclusive, and sections 31, 32, 33, and 34, all on the island were reserved for fuel for the post at Mackinac. The Secretary of War reports the reservation on Bois Blanc Island as no longer needed for military purposes; section 31, containing 619.65 acres, surveyed as a private claim. The other sections declared reserved contain a total area of 9,199.43 acres.

Fort Brady.—Included within a reservation originally made April 3, 1847, of north half of township 47 N., range 1 E. Present reserve is in sections 5 and 6 of that township, and its limits were designated by the War Department, under act of Congress approved September 26, 1850 (No. 517, sec. 2). It contained an area of 29.80 acres. By act of Congress approved March 3, 1875 (No. 586), one and twenty-six hundredths acres were granted for school purposes, and certain streets were established. Exact area of reservation remaining, not known.

Fort Gratiot.—Reservation declared by Executive order dated November 11, 1828. Reservation reduced by various acts of Congress granting portions for different purposes, and authorizing the sale of portions by the Secretary of War. (See Nos. 531, 533, 546, 551, 555, 558, 559, 576, 578, 580, 594.) Area of present reserve not known.

Fort Mackinac or Mackinaw.—On island of Mackinac. Reservation declared November 8, 1827. Portion of reserve set apart as a national park by act of Congress approved March 3, 1875 (No. 585). Other portions were granted to individuals by act of Congress approved March 1, 1879 (No. 592). Area of existing reservation not known.

Fort Wilkins.—Declared by Executive order dated August 19, 1853, lots 2 and 3 of section 33, and lot 5 of section 34, township 59 N., range 28 W. By act of Congress approved March 3, 1863 (No. 537), right of way was granted over reservation to aid the State of Michigan in building a military road. Area of reserve about 148.35 acres. The Secretary of War reports "post abandoned in 1870." Recommendation made to Congress by War Department that the reservation be relinquished.

MINNESOTA.

Fort Snelling.—At the junction of the Mississippi and Minnesota rivers. Reservation made by request of Secretary of War dated July 13, 1839. Modified by Executive orders dated May 25 and November 16, 1853. Reduced by the Secretary of War under authority of act of Congress approved August 26, 1852 (No. 1836). Further reduced by Secretary of War under joint resolution of Congress approved May 7, 1870 (No. 1888). Area of reservation, after reduction, not stated by War Department.

On Saint Louis River in Minnesota and Wisconsin.—Reserved by Executive order dated March 13, 1854. Fractional sections 27, 28, 29, and three-fourths of a mile of the north or left cape of river, township 49 N., range 13 W. of the fourth P. M. The lands in Wisconsin in sections 27, 28, and 29 have been mostly released from reservation and disposed of. Of the reservation in Minnesota, in sections 19 and 20, township 49 N., range 13 W., the only tract now reserved is lot 1 of section 20, containing 7.32 acres. It includes "Minnesota Point."

MISSISSIPPI.—See ALABAMA.

MISSOURI.

Fort Leavenworth.—On east bank of Missouri River, in townships 52 and 53 N., ranges 35 and 36 W. of fifth P. M. Reservation approved by the President June 21, 1838. Portion of the reservation released by the Secretary of War March 1, 1841. Present reserve is confined to range 36 W. Area not known.

Grand Tower Rock.—In Mississippi River. If surveyed would be in section 20, township 34 N., range 14 E., fifth P. M. Declared by Executive order dated February 24, 1871. Area not given.

Island in Missouri River.—In sections 28 and 33, township 50 N., range 33 W. of fifth P. M. Declared by Executive order dated March 10, 1865. The Secretary of War reports the reservation as not required for military purposes. Area, 54.70 acres.

MONTANA TERRITORY.

Camp Baker.—In township 11 N., range 4 E. Declared by Executive order dated May 16, 1871. Area, 2,400 acres.

Fort Assiniboine.—Lies mostly between Milk and Missouri rivers. Declared by Executive order dated March 4, 1880. It is within the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indian reservation. Estimated area of reserve, 1,100 square miles; equal to 704,000 acres.

Fort Benton.—Adjoining Benton City. Declared by Executive order dated December 1, 1869. Area not calculated.

Fort Buford.—In Montana and Dakota. (See DAKOTA.)

Fort Ellis.—Near Bozeman. Originally declared by Executive order dated February 15, 1868. Enlarged by Executive orders dated March 1, 1870, and November 25, 1873. It is situated in townships 2 and 3 S., ranges 6 and 7 E. Present area, 32,160 acres.

Fort Keogh.—At mouth of Tongue River. By request of Secretary of War dated January 15, 1877, a temporary reservation of twenty miles square was first made. By Executive order dated March 14, 1878, the permanent reservation was declared. Area of permanent reservation about 57,619 acres.

Fort Missoula.—Originally consisted of section 31, township 13 N., range 19 W. Declared by Executive order dated February 19, 1877. By Executive order dated August 5, 1878, the reservation was enlarged by adding the south half of northeast quarter and the southeast quarter of section 25, township 13 N., range 20 W.; the south half of northeast quarter, south half of northwest quarter, the southeast quarter of southeast quarter, northeast quarter of southwest quarter, and west half of southwest quarter of section 30, township 13 N., range 19 W. Area of post reserve, 1,200.23 acres. By Executive order dated June 10, 1879, a timber reservation on unsurveyed land was declared for *Fort Missoula*. Area of timber reserve, 1,577.41 acres.

Fort Shaw.—In township 20 N., ranges 2 and 3 W. Declared by Executive order dated January 11, 1870. Estimated area, 32,000 acres.

NEBRASKA.

Camp Sheridan.—Originally declared by Executive order dated November 14, 1876. Enlarged by Executive order dated April 28, 1879, and again enlarged December 10, 1879, by the addition of a reservation for wood and timber. It is on unsurveyed land in northwestern Nebraska. Total area, as enlarged, 18,225 acres.

Fort Hartsuff.—On north fork of Loup River. Originally declared by Executive order dated August 17, 1874. By Executive order dated September 16, 1874, the reservation declared August 17, 1874, was designated as a hay and wood reservation for the fort, and a post reserve was declared of sections 2 and 10 of township 20 N., range 15 W., containing 1,218.22 acres. The hay and wood reservation consists of all of sections 9 and 15, and all those parts of sections 10, 11, and 14 south of the Calamas River and south of the North Fork of Loup River, in township 21 N., range 16 W., containing an area of 2,033.19 acres.

Fort McPherson.—Originally declared January 22, 1867. Four miles square, in townships 12 and 13 N., range 28 W. Enlarged January 25, 1870, by extending the reservation to the north bank of the Platte River. Further enlarged October 11, 1870, by reserving a military road in sections 21 and 23, township 13 N., range 28 W., 200 feet wide and about seven-eighths of a mile long. October 13, 1873, a tract of 107 acres in the reservation was set apart for a national cemetery. By Executive order dated April 19, 1878, the reservation was enlarged by adding to it sections 2, 4, 6, 8, 10, of township 11 N., range 28 W., and sections 20, 22, 26, 28, 30, 32, 34, of township 12 N., range 28 W. Total area reserved about 19,500 acres.

Fort Niobrara.—Declared by Executive order dated December 10, 1879. Sections 26 and 35, of township 34 N., sections 2, 3, 10, and 11, of township 33 N., and all that part of sections 22, 23, 27, 33, and 34, of township 34 N., and of sections 4, 5, 8, and 9, of township 33 N., lying on the right (south and east) bank of the Niobrara River, all in range 27 W. Area reserved, 6,194.84 acres.

Fort Robinson.—On White River, at mouth of Spring Creek. Declared by Executive order dated November 14, 1876. Enlarged by Executive order dated June 23, 1879. By Executive order dated November 4, 1879, a wood and timber reservation was created four miles square. Area of post reserve, 20 square miles, or 12,800 acres; of timber reserve, 2,560 acres.

Fort Sidney, Sidney Barracks.—Adjoining the town of Sidney. Declared by Executive order dated May 14, 1874. Section 32, township 14 N., range 49 W. By Executive order dated May 31, 1880, there was declared a reservation of sections 6 and 18, township 17 N., range 52 W., and sections 12, 14, and 24, of township 17 N., range 53 W., for wood and timber for Fort Sidney. Area of post reserve, 640 acres; of wood and timber reserve, 3,195.35 acres.

NEW MEXICO TERRITORY.

- Fort Bayard.*—Declared by Executive order dated April 19, 1869. Situated in township 17 S., ranges 12 and 13 W., and is not connected with the public surveys. Area, 8,840 acres.
- Fort Butler.*—Requested to be reserved by the Secretary of War, March 22, 1861. Never declared by the President. Area, 76,800 acres. It lies in townships 12 and 13 N., ranges 27, 28, and 29 E., and is mostly within the Pablo Montoya land grant, and in Baca location No. 2. April 13, 1877, decision by General Land Office in favor of private claim.
- Fort Craig.*—On right bank of the Rio Grande, in townships 7 and 8 S., ranges 2 and 3 W. Declared by Executive order of September 23, 1869. Area, 24,895 acres.
- Fort Cummings.*—In township 21 S., range 8 W. Declared by Executive order of April 29, 1870. Abandoned by War Department, and its relinquishment to the Interior Department recommended by the Secretary of War. Area, 2,560 acres.
- Fort Marcy.*—At Santa Fé. Declared August 28, 1868, by President. Area about 17.77 acres.
- Fort McRae.*—Declared by President May 28, 1869. In township 13 S., range 3 W. Area, 2,560 acres. This reserve falls within the claimed limits of the Armendaris grants.
- Fort Seldon.*—Declared by President November 28, 1870. Situated in township 21 S., ranges 1 E. and 1 W. Area 9,613.74 acres.
- Fort Stanton.*—Originally declared by President May 12, 1859. Twelve miles square. Reduced by War Department under authority of act of Congress approved May 21, 1872 (No. 2156). Area, after reduction, 10,240 acres.
- Fort Sumner, Post Cemetery.*—Reservation declared May 22, 1871, reserving the lands occupied as a post cemetery. The cemetery is situated in the northeast quarter of section 15 and the northwest quarter of section 14, township 2 N., range 26 E. These two subdivisions contain 320 acres.
- Fort Thorn.*—Never declared by the President. It is situated in townships 18 and 19 S., ranges 3, 4 and 5 W. It was surveyed in 1857 by direction of the United States surveyor-general, at the request of General Garland, commander of the military district. Recommended to Congress by Commissioner of General Land Office to be restored to the public domain, to be disposed of under existing laws. (See page 141, Report for 1870.) Area, about 23,040 acres.
- Fort Union.*—Declared by the President October 9, 1868. This reserve falls within the claimed limits of the Mora grant. Area of post and timber reserves 66,880 acres.
- Fort Wingate.*—Declared by the President February 18, 1870. Situated at the headwaters of the Rio Puerco. Area, 100 square miles, equal to 64,000 acres.
- Moro River.*—In township 18 N., range 20 E., sections 9, 10, 11, 12, 13, 14, 15, 16. Declared by the President November 23, 1870. It falls within the claimed limits of the Mora grant. Area, 5,120 acres.

NEVADA.

- Camp Halleck.*—Declared by Executive Order dated October 4, 1870. Post, hay, and wood reserves. Post reserve to include grazing lands containing 4,583.52 acres in township 34 N., range 59 E., and 71.21 acres in section 6 of township 33 N., range 59 E. Wood reserve in townships 33 and 34 N., range 59 E., 5,699.28 acres. Hay reserve in townships 35 and 36 N., range 58 E., containing 546.92 acres.
- Camp McDermitt.*—Near north boundary line of Nevada. Originally declared by Executive order dated September 3, 1867. Post reserve two miles square. Hay reserve a tract five miles long and two wide, extending along Quinn's River five miles, and one mile from it each side. Area, 6,400 acres. By Executive order dated October 4, 1870, the post reserve was extended further up and down the river, so as to contain 3,974.40 acres.
- Carlin.*—In township 33 N., range 52 E., M. D. meridian. Originally reserved by Executive order dated November 9, 1874; parts of sections 22 and 26. By Executive order dated April 7, 1875, the limits were modified so as to omit part of section 26 for which a filing had been made October 5, 1874. The reserve now consists of 520 acres in section 22 and 400 acres in section 26.

OREGON.

Camp Three Forks, Owyhee.—In Oregon and Idaho. (See IDAHO.)

Fort Klamath.—Declared by the President April 6, 1869. In township 33 S., range 7½ W. Post reserve in sections 22, 23, 26, and 27 contains about 1,000 acres. Hay reserve in sections 3, 4, 9, 10, 15, 16, 21, and 22; area, 2,135.68 acres.

Fort Oxford.—At Port Oxford in township 33 S., range 15 W. Never declared by the President. Area not known. Patents issued by General Land Office for the lands embracing the reservation.

Point Adams (Fort Stevens).—Declared by the President February 26, 1852. In township 8 N., range 10 W. It comprises fractional sections 5 and 6 and northern half of sections 7, 8, and 9. Area, 1,250.11 acres. A donation claim covers some 400 acres of the reservation.

Sand Island.—Declared by the President August 29, 1863. Situated in the middle of the entrance to Columbia River, in sections 14, 23, and 24 of township 9 N., range 11 W. Area, 192.07 acres.

UTAH TERRITORY.

Camp Douglas.—Declared by the President September 3, 1867. In township 1 N. and 1 S., range 1 E. Area, 2,560 acres. By act of Congress approved May 16, 1874 (No. 2210), a tract of 20 acres of the reserve was granted for a public cemetery for religious organizations of Salt Lake City.

Camp Floyd.—In Cedar Valley. Declared by the President July 14, 1859. It comprises the west fractional parts of townships 5, 6, 7, and 8 S., range 1 W., fractional townships 5, 6, 7, and 8 S., range 2 W., and the east fractional parts of townships 5, 6, 7, and 8 S., range 3 W. The Secretary of War reports the post abandoned July 27, 1861, and not since re-occupied. It comprises all of Cedar Valley, and is 33 miles in length and 16 miles wide, at the greatest width. Area, about 94,550 acres.

Fort Cameron.—Situated partly in township 29 S., range 7 W. Declared May 12, 1873. Enlarged April 13, 1877, by Executive order. A wood and timber reserve was declared November 10, 1879, adjoining the post reservation on the south and east. Area of post and timber reserves, 23,378 acres.

Rush Lake Valley.—Declared by the President February 4, 1855, situated in townships 4 and 5 S., range 5 W. The Secretary of War has recommended to Congress that the reservation be relinquished to the Interior Department. Estimated area, 5,131.47 acres.

WASHINGTON TERRITORY.

Canoe Island.—Situated off the east coast of Shaw Island. Declared by the President July 2, 1875. Area, 43.10 acres.

Cape Disappointment, including Fort Canby.—Declared by the President February 26, 1852. This reservation comprises fractional section 9, except lot 4, reserved for light-house purposes, and part of fractional sections 4 and 5, township 9 N., range 11 W. Area, 536.20 acres.

Fort Cascades.—On Columbia River, in township 20 N., range 7 E. Declared by the President August 17, 1864. Area, 320.21 acres.

Fort Colville.—Situated in townships 35 and 36 N., range 39 E. Post and wood reservations. Declared by the President January 27, 1871. Area of both tracts, 1,070 acres.

Fort Three Tree Point.—In township 9 N., range 7 W. Declared by the President July 31, 1865. Originally reserved to the extent of 802.60 acres. Subsequently reduced by the Secretary of War to 640 acres.

Fort Vancouver.—In township 2 N., range 1 E. Set apart by order of the Secretary of War dated October 29, 1853. Declared by the President January 15, 1878. Area of reservation, 640 acres, less forty-six one-hundredths of an acre confirmed to the Roman Catholic Mission of Saint James, by act of Congress.

Fort Walla Walla.—Declared by President's order of May 13, 1859. Under various acts of Congress the timber reserve and part of the hay reserve have been granted away, and the remainder of the hay reserve has been relinquished by the Secretary of War, as also has a part of the post reserve, containing 20.42 acres, leaving reserved at the post 619.57 acres.

Lopez Island.—Southwest portion of island, including Bunch Island and Whale Rocks. Declared by the President July 2, 1875. By the same order a reservation was ordered of the northwest portion of the Island, extending from Flat Point to Upright Point. These reservations are in townships 34, 35, and 36 N., range 2 W. Area of reserve at southwest part of island, 599.30 acres. Area of reserve at northwest part of island, 634.60 acres.

Point Roberts.—Declared by the President September 13, 1859, at the suggestion of the Commissioner of the General Land Office. The lands are in sections 1, 2, 3, 4, 9, 10, 11, 12 of township 40 N., range 3 W. Area, 2,434.55 acres.

Port Angeles and Ediz Hook.—In townships 30 and 31 N., ranges 5 and 6 W. Originally declared by the President July 19, 1862, for military and other public uses. Modified by Executive order dated March 10, 1863. Present area of reservation not known.

Port Townsend.—In sections 21, 22, 27, 28, 33 of township 30 N., range 1 W. Declared by the President January 29, 1859. Area, 621.97 acres.

San Juan Island.—By Executive order dated July 2, 1875, there was declared a reservation of 640 acres on southeast point of the island, including Goose Island and Rocky Peninsula, in township 34 N., range 2 W., and a tract of 508.33 acres at the northeast point of the island, including Reid Rock, in township 35 N., range 3 W.

Shaw Island.—By Executive order of July 2, 1875, there was reserved in the western end of Shaw Island 515.30 acres, and on the eastern end of the island 594.90 acres.

Straits of Juan de Fuca.—At Nee-ah Harbor. By Executive order dated June 9, 1868, there was reserved Wa-addah Island, about 29 acres; a tract on the east side of the harbor containing about 400 acres; a tract on the west side of the harbor containing about 400 acres; at the narrows of Puget Sound, a tract at the south end of Vashons Island containing 633.60 acres, and a tract on north side of Gig Harbor containing 636 acres; all in townships 21 and 22 N., range 2 E. A part of the lands declared reserved were disposed of prior to the date of the order.

Twenty-five reservations.—By Executive order dated September 22, 1866, there were declared reservations for military purposes—when the title was then in the United States—at twenty-five different points in Washington Territory, as follows: 1. On north side of New Dungeness Harbor, embracing all the peninsula to its junction with the main land, containing about 300 acres. 2. On the south side of New Dungeness Harbor, 640 acres. 3. On the west side of the entrance to Washington Harbor, 640 acres. 4. On east side of the entrance to Washington Harbor, 640 acres. 5. Challam Point, west side of entrance to Port Discovery, 640 acres. 6. Opposite Challam Point, east side of entrance to Port Discovery, 640 acres. 7. Protection Island, opposite the entrance to Port Discovery, containing about 500 acres. 8. Adjoining Protection Island and adjoining No. 6, 640 acres. 9. Vancouver Point, west shore of Port Discovery, 640 acres. 10. Point Wilson, entrance to Admiralty Inlet, 640 acres. 11. Point Hudson, entrance to Port Townsend (outside of the limits of the town of Port Townsend), 640 acres. 12. Admiralty Head, east side of entrance to Admiralty Inlet, 640 acres. 13. Marrowstone Point, entrance to Port Townsend and Admiralty Inlet, 640 acres. 14. On the north of the entrance to Deception Pass, including the two islands in the pass, 640 acres. 15. On the south side of the entrance to Deception Pass, 640 acres. 16. The two islands to the east of Deception Pass, about 200 acres. 17. Tala Point, west side of entrance to Hood's Canal, 640 acres. 18. Hood's Head, west side of Hood's Canal, 640 acres. 19. Foulweather Point, east side of entrance to Hood's Canal, 640 acres. 20. Double Bluff, opposite Foulweather Point, 640 acres. 21. Point Defiance, narrows of Puget Sound, 640 acres. 22, 23, 24. Three tracts on the west side of the narrows of Puget Sound, each 640 acres. 25. Most northerly point of Whidbey's Island, 640 acres. Nos. 7 and 11 were found to have been entirely disposed of prior to the date of the order for reservation. So also were a large number of legal subdivisions falling in others of the twenty-five above-named reservations. Exact area reserved by the order of September 22, 1866, and not disposed of, not known.

WISCONSIN.

Stone quarry.—Reservation made at request of Secretary of War. Fractional sections 25, 26, and 36 of township 28 N., range 25 E. Area, 1,046.10 acres.

On Saint Louis River.—(See MINNESOTA.)

WYOMING TERRITORY.

Depot McKinney.—Declared by the President July 2, 1879. Situated on the Powder River. Area, 640 acres.

Fort Bridger.—Originally declared by the President May 21, 1858, as *Camp Scott*. Reduced and relocated by War Department under authority of act of Congress approved February 24, 1871 (No. 2305), so as to contain an area of 10,240 acres. Located in townships 15 and 16 N., range 115 W.

Fort D. A. Russell.—Adjacent to Cheyenne City. In township 14 N., range 67 W. Declared by the President June 28, 1869. Area, 4,512 acres.

Fort Fetterman.—Post reserve declared by the President June 28, 1869, on North Platte River, containing 38,406 acres. Hay reservation, on Deer Creek, declared August 29, 1872; area estimated at 25,000 acres. Old wood and timber reserve, on Big Box Elder Creek, declared August 29, 1872; area estimated at 25,000 acres. New wood reservation, declared February 9, 1877; area, 1,280 acres. Recommendation has been made to Congress by the Secretary of War that the old wood reservation, not being required by the military authorities, might be relinquished, and that the post reservation be reduced from 60 to 12½ square miles.

Fort Fred Steele.—Declared by Executive order dated June 28, 1869. Situated in townships 20 and 21 N., ranges 84 and 85 W. Area, 23,040 acres.

Fort Laramie.—Originally declared by Executive order June 28, 1869. Enlarged by Executive order July 7, 1871, by which it was extended into Nebraska, and enlargement confirmed by Executive order dated April 2, 1872. By act of Congress approved August 14, 1876, (No. 1964), it was provided that the reservation should be reduced to its original limits of 54 square miles. Area, 34,560 acres. Situated in townships 25 and 26 N., ranges 64 and 65 W.

Fort McKinney.—On Clear Fork of Powder River. Originally declared by Executive order dated July 2, 1879, containing 16 square miles. Enlarged by Executive order dated February 2, 1880, by the addition, on the west of the post reserve, of a tract six miles long and four miles wide for wood and timber. Area, 25,600 acres.

Fort Sanders.—Originally declared by the President January 7, 1867, as *Fort John Buford*, and as six miles square. Enlarged by Executive order dated June 28, 1869, so as to contain 81 square miles. Reduced under act of Congress approved June 9, 1874 (No. 1961). Reduced reserve is in townships 14 and 15 N., ranges 73 and 74 W., and contains an area of 19,342 acres. By Executive order dated November 4, 1879, sections 20 and 30, township 15 N., range 71 W., were reserved for wood and timber for *Fort Sanders* and *D. A. Russell* and for Cheyenne depot. By Executive order dated February 25, 1880, said wood and timber reservation was enlarged by adding to it sections 28 and 32 of same township and range. Area of wood and timber reservation, 2,540.64 acres.

Sulphur Creek (coal lands for military purposes).—Declared by the President April 6, 1859. Situated in section 35, township 14 N., range 119 W. Area, 100 acres.

MILITARY RESERVATIONS.

SUMMARY OF AREAS OF MILITARY RESERVATIONS SO FAR AS KNOWN OR ESTIMATED.

| | Acres. |
|---|---------------------|
| Alabama and Mississippi..... | 6,061.64 |
| Arizona | 197,052.67 |
| Arkansas | 275.77 |
| California | 21,461.69 |
| Colorado | 79,976.00 |
| Dakota, (including part of Fort Buford, in Montana) | 935,339.08 |
| Florida | 13,045.13 |
| Idaho | 9,178.05 |
| Illinois, (Fort Armstrong, area not known.) | |
| Kansas..... | 92,910.22 |
| Louisiana | 1,341.26 |
| Michigan | 9,347.78 |
| Minnesota, (exclusive of Fort Snelling) | 7.32 |
| Missouri | 54.70 |
| Montana..... | 830,956.64 |
| Nebraska | 66,366.60 |
| New Mexico, (exclusive of Fort Butler) | 218,086.51 |
| Nevada | 22,195.33 |
| Oregon | 4,577.86 |
| Utah | 125,599.47 |
| Washington..... | 25,446.00 |
| Wisconsin | 1,046.10 |
| Wyoming | 210,254.64 |
| Total | 2,920,580.46 |

DIGEST

OF

INDIAN TREATIES AFFECTING TITLES TO THE PUBLIC LANDS.

[The dates prefixed are those of the proclamation of the treaties; where the date of conclusion, ratification, or approval is given, it is indicated in foot-notes.]

Allied tribes in Washington Territory.

(See WASHINGTON TERRITORY.)

Apaches.

- 1854, Feb. 12.—Apaches, Comanches, and Kiowas. Acknowledgment of right of U. S. to lay off and mark out roads, to locate depots, and establish military and other posts within territory inhabited by tribes.—Vol. 10, p. 1013.
- 1866, May 26.—Apaches, Cheyennes, and Arapahoes recognized by U. S. as confederated tribes; former treaties to be binding upon U. S. and confederated tribes.—Vol. 14, p. 713.
- 1868, Aug. 25.—Apaches confederated with Kiowas and Comanches; to observe stipulations of original treaty; to surrender certain rights vested in them by former treaty.—Vol. 15, p. 589.

Appalachicolas.

- 1833, Feb. 13.—Reservation set apart for Indians by treaty proclaimed Jan. 2, 1824 (vol. 7, p. 224) relinquished to U. S.; band agrees to remove to lands west of Mississippi River.—Vol. 7, p. 377.
- 1834, April 12.—Lands in Florida relinquished to U. S.; other lands granted by U. S. in lieu.—Vol. 7, p. 427. (See FLORIDA INDIANS.)

Arapahoes.

- 1861, Dec. 5.—Arapahoes and Cheyennes (of the Upper Arkansas River). Cession of lands to U. S.; reservation for Indians; reservation to be surveyed, and tracts assigned in severalty to each member of tribes; certificates to issue to assignees; tracts not to be alienated except to U. S. or to other members of tribes, and to be exempt from taxation, levy, &c., until otherwise provided by Congress; donation of lands to Robert Bent and Jack Smith, half-breeds; right of way for roads, &c., through reservation.—Vol. 12, p. 1163.
- 1866, May 26.—Arapahoes, Apaches, and Cheyennes recognized by U. S. as confederated tribes; former treaties to be binding upon U. S. and confederated tribes.—Vol. 14, p. 713.
- 1867, Feb. 2.—Arapahoes and Cheyennes. Reservation set apart for Indians; claims to other lands relinquished; U. S. may construct roads through reservation; grant of 640 acres of land to certain persons; lands granted to certain chiefs and warriors of bands; former treaties abrogated.—Vol. 14, p. 703.
- 1868, Aug. 19.—Arapahoes and Cheyennes. Reservation for Indians; heads of families and single persons may select tracts for farming; selections to be recorded in "land-book" and certificates to issue; President may order survey of reservation and Congress may fix character of title of persons making selections; lands outside of reservation relinquished to U. S.; no treaty for cession of any portion of reservation held in common to be valid unless executed and signed by three-fourths of all adult male Indians occupying or interested in the same.—Vol. 15, p. 593.
- 1868, Aug. 25.—Northern Arapahoes and Northern Cheyennes. Reservation set apart for Indians; territory outside relinquished to U. S.; heads of families and single persons may select tracts for farming; selections to be recorded in "land-book" and certificates to issue; President may at any time order survey of reservation, and Congress may fix character of title held by Indians making selections; no treaty for cession of any portion of reservation held in common to be valid unless executed and signed by majority of adult male Indians occupying or interested in the same.—Vol. 15, p. 655.

Bannacks.

1869, Feb. 24.—Bannacks and Eastern band of Shoshones. Reservation set apart for use of; heads of families and others may select lands for farming; selections to be recorded and held so long as cultivated; no treaty for cession of reservation to be valid unless executed and signed by majority of adult males occupying or interested in same.—Vol. 15, p. 673.

1874, Dec. 15.*—Agreement with, confirmed by act of Congress; cession of lands to U. S.—Vol. 18, p. 291.

Blackfeet band.

(See SIOUX.)

Blackfoot nation.

1856, April 25.—Blackfoot nation (consisting of Piegan, Blood, Blackfoot, and Gros Ventres tribes), Flathead Nation (consisting of Flathead, Upper Pend d'Oreille, and Kootenay tribes), and the Nez Percé tribe. Certain territory to belong to Blackfoot nation; U. S. may establish roads, military posts, &c., within countries claimed by Indians.—Vol. 11, p. 657.

Blackfoot tribe.

(See BLACKFOOT NATION.)

Black River band.

(See CHIPPEWAS.)

Blood tribe.

(See BLACKFOOT NATION.)

Bois Forte band.

(See CHIPPEWAS.)

Broad Leaf, Sioux of the.

(See SIOUX.)

Brothertown Indians.

(See SIX NATIONS OF NEW YORK.)

Brulé band.

(See SIOUX.)

Caddo Nation.

1836, Feb. 2.—Cession of lands to U. S.; grant of lands to certain individuals confirmed; one section of land reserved to Larkin Edwards.—Vol. 7, pp. 470, 472.

Cahokia tribe.

(See KASKASKIAS.)

Calapooias.

1855, March 30.—Calapooias and Umpquas. Cession of lands to U. S.; reservation for Indians; reservation may be surveyed into lots and assigned to individual members; patents may issue on certain conditions; roads may be constructed through reservation.—Vol. 10, p. 1125.

1855, April 10.—Confederated bands residing in Willamette Valley: (Tualatin band of Calapooias; Yam Hill band; Che-luk-i-ma-uke band; Chep-en-a-pho or Marysville band; Chem-a-pho or Muddy band; Che-lam-e-la or Long Tom band; all of the Calapooias; Mo-lal-la band of Mo-lal'-las; Calapooia band of Calapooias; Winnefelly and Mohawk bands; Tekopa band; Chafan band of the Calapooia tribe; Wah-la-la band of Tum-waters; Clack-a-mas tribe; Clow-we-wal-la, or Willamette Tum-water band; and the Santiam bands of Calapooias). Cession of land to U. S.; reservation to be allotted; may be surveyed into lots and assigned to individuals; patents to issue for lots, but to be revocable if lands are not tilled, &c.; right of way through reservation allowed.—Vol. 10, p. 1143.

Canada, Seven Nations of.

(See SEVEN NATIONS OF CANADA.)

Capote tribe.

(See UTES.)

* Date of approval.

Cayugas.

(See SIX NATIONS and SIX NATIONS OF NEW YORK.)

Cayuses.

1859, April 11.—Cayuses, Walla-Wallas, and Umatilla tribes in Washington and Oregon Territories. Cession of lands to U. S.; reservation; allotments may be made to individual Indians, patents may issue and assignments may be cancelled, &c.—Vol. 12, p. 945.

Chafan band.

(See CALAPOOIAS.)

Chastas.

1855, April 10.—(Quil-si-eton and Na-hel-ta bands of the Chasta tribe; Cow-nan-ti-co, Sa-cher-i-ton, and Na-al-ye bands of Scotous, and the Grave Creek band of Umpquas). Cession of lands to U. S. and removal to Table Rock reserve; reserve to be surveyed and divided into farms; patents to issue.—Vol. 10, p. 1122.

Che-lam-e-la band.

(See CALAPOOIAS.)

Che-luk-i-ma-uke band.

(See CALAPOOIAS.)

Chem-a-kum tribe.

(See S'KLALLAMS.)

Chem-a-pho band.

(See CALAPOOIAS.)

Chep-an-a-pho band.

(See CALAPOOIAS.)

Cherokees.

1785, Nov. 28.*—Boundary of country of, defined.—Vol. 7, p. 18.

1792, Feb. 7.—Boundaries defined, and claims to certain lands relinquished to U. S.; stipulation for a road.—Vol. 7, p. 39.

1794, Jan. 21.—Boundaries to be marked.—Vol. 7, p. 43.

1793, Oct. 2.*—Certain territory ceded to U. S.; Kentucky road through Indian lands to be kept open and free.—Vol. 7, p. 62.

1824, May 17.—Tract of land between Cherokee nation and State of Georgia ceded to U. S.—Vol. 7, p. 228.

1806, April 24.—Cession of land to U. S.; boundaries of Cherokee country defined; use of certain roads through Indian lands allowed to citizens of U. S.—Vol. 7, p. 93.

1806, June 10.—Section of land ceded to U. S. for use of State of Tennessee; cession of island in the Tennessee River to U. S.; use of certain road granted to citizens.—Vol. 7, p. 95.

1807, May 23.—Cession of territory to U. S.; claim to Long Island in Holston River relinquished to U. S.; U. S. to settle claims to certain tracts in dispute between Cherokees and Chickasaws.—Vol. 7, p. 101.

1808, April 22.—Eastern limits of tract granted by treaty of January 7, 1806, bounded.—Vol. 7, p. 103.

1816, April 8.†—Cession of territory to South Carolina.—Vol. 7, p. 138.

1816, April 8.†—Boundary line established; U. S. may open and use roads in Cherokee country.—Vol. 7, p. 139.

1816, Dec. 30.—Boundaries defined; cession and relinquishment of territory.—Vol. 7, p. 148.

1817, Dec. 26.—Cession of lands to U. S. in exchange for other lands; reservations for heads of Indian families for life, with reversion in fee-simple to children; certain reservations ceded to U. S.—Vol. 7, p. 156.

1819, March 10.—Cession of lands; grant of 640 acres of land in fee to certain members of the Cherokee nation; boundary lines of reservation to be run; right to establish road through Cherokee country granted to agents of States of Tennessee and Georgia.—Vol. 7, p. 195.

* Date of conclusion.

† Date of ratification.

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- 1824, May 17.—Tract of land between Cherokee nation and State of Georgia ceded to U. S.—Vol. 7, p. 228.
- 1828, May 28.—Western boundary of Arkansas as defined; seven million acres of land west of Arkansas granted to Cherokees; Cherokees surrender all their lands in Arkansas to U. S.; certain tract of land to be reserved within Cherokee country for benefit of U. S.—Vol. 7, p. 311.
- 1834, April 12.—Seven million acres of land granted to Cherokees in lieu of grant made by preceding treaty, part of former grant falling within Creek selection; quit-claim to U. S. of former grant; this treaty to be supplementary to treaty of 1828.—Vol. 7, p. 414.
- 1836, May 23.—Relinquishment to U. S. of all lands of Cherokees east of the Mississippi; additional land west of Arkansas conveyed to Cherokee nation to be included with former grant in one patent; title of Osage Indians to lands within Cherokee country to be extinguished by U. S.; lands to be permanently ceded to the nation; Cherokees in North Carolina, Tennessee, and Alabama not wishing to remove west of Mississippi to have pre-emption right to 160 acres of land; claims to reservations under former treaties to be finally settled; former treaties not superseded or annulled to be in force.—Vol. 7, p. 478.
- 1836, May 23.—Supplementary articles to treaty of 1836; pre-emption right under former treaty relinquished.—Vol. 7, p. 488.
- 1846, Aug. 17.—Lands occupied by Cherokee nation to be secured to whole people and patent to be issued for same; "Western Cherokees" release to U. S. claim to lands east of Mississippi and to exclusive ownership of lands ceded by treaty of 1833 west of Mississippi.—Vol. 9, p. 871.
- 1866, Aug. 11.—Lands granted for educational purposes, &c.; certain lands ceded to U. S. in trust to be sold by Secretary of Interior to highest bidder; lands in Arkansas and States east of Mississippi owned by Cherokees may be sold by them; provision for heads of families residing on lands ceded or to be sold.—Vol. 14, p. 799.
- 1868, June 10.—Contract by Secretary of the Interior with American Emigrant Company for the sale of "Cherokee neutral lands" in Kansas assigned to James F. Joy, and former contract with Joy to be canceled; contract assigned to Joy modified.—Vol. 16, p. 727.

Cheyennes.

- 1861, Dec. 5.—Arapahoes and Cheyennes (of the Upper Arkansas River). Cession of lands to U. S.; reservation for Indians; reservation to be surveyed and tracts assigned in severalty to each member of tribes; certificates to issue to assignees; tracts not to be alienated except to U. S., or to other members of said tribes, and to be exempt from taxation, levy, &c., until otherwise provided by Congress; donation of lands to Robert Bent and Jack Smith, half-breeds; right of way for roads, &c., through reservation.—Vol. 12, p. 1163.
- 1866, May 26.—Cheyennes, Apaches, and Arapahoes. Recognized by U. S. as confederated tribes; former treaties to be binding upon U. S. and confederated tribes.—Vol. 14, p. 713.
- 1867, Feb. 2.—Cheyennes and Arapahoes. Allotment of reservation; claims to other lands relinquished; patent for 640 acres of land to issue to certain chiefs; all former treaties abrogated.—Vol. 14, p. 703.
- 1868, Aug. 19.—Cheyennes and Arapahoes. Reservation for individual Indians may select land for cultivation; to be held as long as cultivated; lands outside of reservation relinquished to U. S.; cession of reservation not to be valid unless by consent of three-fourths of adult male Indians.—Vol. 15, p. 593.
- 1868, Aug. 25.—Northern Cheyennes and Northern Arapahoes. Lands set apart for reservation and surrender of excluded territory; heads of families and others may select lands for cultivation, to be recorded, &c.; no treaty for cession of any portion of reservation to be valid except by consent of majority of adult males occupying or interested in same.—Vol. 15, p. 655.

Chickasaw nation.

- 1786, Jan. 10.—Boundaries of country of, defined.—Vol. 7, p. 24.
- 1802, May 4.—Right to lay out road, &c., through lands of, granted to U. S.—Vol. 7, p. 65.
- 1807, May 23.—Territory ceded to U. S.—Vol. 7, p. 89.
- 1816, Dec. 30.—Cession of lands to U. S.; certain tracts reserved to the Chickasaw nation so long as cultivated or used.—Vol. 7, p. 150.

Chickasaw nation—Continued.

- 1819, Jan. 7.—Cession of lands to U. S.; reservation for Indians; salt lick on reservation may be leased by Indians; certain reservations made by preceding treaties to inure to reservees and heirs forever.—Vol. 7, p. 192.
- 1832, Oct. 22.—Leases of reservations prohibited; reservations to be sold for benefit of nation whenever they determine to remove; provisions for sale; grants to various persons to be held on same condition as provided for Indian reservees.—Vol. 7, p. 389.
- 1833, March 1.—All lands owned by, east of Mississippi River, ceded to U. S.; ceded lands to be surveyed and sold; in case Indians do not remove west of Mississippi, lands may be selected from surveyed tracts for each family; surveyor-general to be appointed to superintend surveys; land office to be established for sale of lands; no pre-emption rights to be granted by U. S.; list to be made of tracts selected by Indians for their residence to be evidence of each person's lands; residue to be sold.—Vol. 7, p. 381.
- 1834, July 1.—Under what authority reservations may be sold; certain grants made by treaty of Pontitock (vol. 7, p. 381) to be in fee; special reservations to certain Indians and others; provision for disposal of lands after location of reservations; notice of sale, &c.; certain articles of treaty of Pontitock to remain in force; all others, inconsistent with this, declared to be revoked; boundary of Chickasaw country defined.—Vol. 7, p. 450.
- 1853, Feb. 24.—Sale of Chickasaw lands. Tract of land conveyed to town of Pontotoc for burial ground; settlement of title of Chickasaws to certain reservation in Tennessee.—Vol. 10, p. 974.

Chickasaws and Choctaws.

- 1837, March 24.—The Chickasaws to form a district in the Choctaw country to be called the "Chickasaw district of the Choctaw nation;" boundaries of the district defined.—Vol. 7, p. 645.
- 1855, April 10.—Readjustment of boundaries of Chickasaw district of the Choctaw nation.—Vol. 10, p. 1116.
- 1856, March 4.—Future boundaries of country of, defined; lands to be held in common; no part to be sold without consent of both tribes; reversion to be in U. S.; lands west of the 100th degree of west longitude ceded to U. S. by Choctaws; lease by Choctaws and Chickasaws for use of Wichita and other Indians of territory west of 98th degree; military posts, &c., may be established by U. S. in common country; right of way granted to railroads, &c.; this treaty to supersede all former treaties with the Choctaws, and all inconsistent treaties with Chickasaws, or between said tribes.—Vol. 11, p. 611.
- 1866, July 10.—Territory west of 98th degree, known as the "leased district," ceded to U. S.; certain persons of African descent to receive 40 acres of land; right of way granted to railroads through Indian country; Indians may subscribe to railroad stock, to be paid for in alternate sections of land for a space of six miles on each side of road or roads; such land to be disposed of only to citizens of Choctaw or Chickasaw nation; companies to receive patents for alternate sections as fast as sections of twenty miles in length are completed; lands may be surveyed and divided in severalty; land office established at Boggy Depot in the Choctaw country; legislatures may select lands for seats of justice, schools, &c.; each Indian to have a right to one quarter-section; sections 16 and 36 in each township to be reserved for schools; provision for town sites; patents to issue for lands; selections to be inalienable for 21 years from date of selection; unselected lands to be common property of the two nations; all former treaties inconsistent herewith to be null and void.—Vol. 14, p. 769.

Chippewas.

- 1789, Sept. 27.—Boundary line confirmed; lands ceded to U. S.; certain lands relinquished by U. S.; trading-posts reserved.—Vol. 7, p. 28.
- 1795, Dec. 2.—Boundary line established; cession of territory to U. S.; cession of particular tracts; relinquishment of certain lands by U. S.; former treaties void.—Vol. 7, p. 49.
- 1806, April 24.—Chippewas and other nations. Boundary line established; cession of lands to U. S.—Vol. 7, p. 87.
- 1808, Jan. 27.—Chippewas and other nations. Cession of lands to U. S.; reservation for Indians.—Vol. 7, p. 105.
- 1809, March 3.—Chippewas and other nations. Grant of tract of land 120 feet in width for a road from foot of rapids of river Miami of Lake Erie to the western line of Connecticut reserve, and all the land within one mile of road on each side thereof; also, tract of land for road only, 120 feet in width.—Vol. 7, p. 112.

Chippewas—Continued.

- 1816, Dec. 30.—Chippewas and other tribes. Cession of lands to U. S.; relinquishment to Indians.—Vol. 7, p. 146.
- 1819, Jan. 4.—Chippewas and other tribes. Cession of lands to U. S.; grant of lands for use of church and college at Detroit.—Vol. 7, p. 160.
- 1819, Jan. 4.—Chippewas and other tribes. (Supplemental to preceding treaty).—Vol. 7, p. 178.
- 1820, March 25.—Cession of lands to U. S.; certain tracts reserved for use of nation; also, for use of certain persons who are Indians by descent; U. S. reserve right to make roads through reservations.—Vol. 7, p. 203.
- 1821, March 2.—Cession of lands to U. S.—Vol. 7, p. 206.
- 1821, March 2.—Chippewas and Ottawas. Saint Martin Islands in Lake Huron ceded to U. S.—Vol. 7, p. 207.
- 1822, March 25.—Chippewas and other nations. Cession of lands to U. S.; reservations to Indians; grants to certain persons who are Indians by descent; not to be transferred without consent of President; U. S. may make road from Detroit and Fort Wayne to Chicago.—Vol. 7, p. 218.
- 1826, Feb. 6.—Chippewas and other tribes. Boundary between Chippewa, Winnebago, and Sioux countries; boundary of Ottawas, Chippewas, and Pottawatomies.—Vol. 7, p. 272.
- 1827, Feb. 7.—Right to minerals in Chippewa country granted to U. S.; grant of lands to certain half-breeds; not to be conveyed without permission of President.—Vol. 7, p. 290.
- 1829, Jan. 7.—Chippewas and other nations. Provisional boundaries established between lands of the U. S. and those of Indians.—Vol. 7, p. 315.
- 1829, Feb. 23.—Chippewas and other nations. Southern boundary of Chippewa country settled.—Vol. 7, p. 303.
- 1830, Jan. 2.—Chippewas and other nations. Cession to U. S.; reservations to certain chiefs; certain tracts granted to certain descendants from Indians; not alienable without consent, &c.—Vol. 7, p. 320.
- 1835, Feb. 21.—Chippewas and other nations. Lands west of the Mississippi River (not less than 5,000,000 acres) assigned to Indians.—Vol. 7, p. 431.
- 1835, Sept. 27.—Chippewas and other nations (supplementary to preceding treaty.) All lands in Michigan Territory south of Grand River, and other tracts, ceded to U. S.—Vol. 7, p. 442.
- 1836, May 25.—Swan Creek and Black River bands of Chippewa nation. Certain tracts ceded to U. S.; lands west of Mississippi River to be furnished to Indians.—Vol. 7, p. 503.
- 1836, May 27.—Chippewas and Ottawas. Cession of lands to U. S.; reservations for Chippewas and Ottawas in common.—Vol. 7, p. 491.
- 1836, June 15.—Cession of lands to U. S.—Vol. 7, p. 536.
- 1838, July 2.—Saginaw tribe of. Certain tracts in Territory of Michigan ceded to U. S.; lands ceded to be surveyed and offered for sale.—Vol. 7, p. 528.
- 1838, July 2.—Saginaw tribe of. No pre-emption right to be granted to any lands ceded by former treaty; location on headwaters of Osage River to be reserved for this tribe.—Vol. 7, p. 547.
- 1838, July 2.—Saginaw tribe of. Provisions for sale of lands ceded by treaty of Jan. 4, 1837.—Vol. 7, p. 565.
- 1839, March 2.—Saginaw tribe of. Certain tract of land sold to U. S. for light-house purposes.—Vol. 7, p. 578.
- 1839, March 2.—Saginaw tribe of (supplementary to preceding treaty). President may change location for light-house to another tract.—Vol. 7, p. 579.
- 1843, March 23.—Chippewas of the Mississippi and Lake Superior. Cession of lands to U. S.—Vol. 7, p. 591.
- 1846, July 23.—Various bands of Pottawatomie Indians known as the Chippewas, Ottawas, and Pottawatomies to be known as the "Pottawatomie nation." Certain lands ceded to U. S.; tract of land 30 miles square granted to Indians for permanent home.—Vol. 9, p. 853.
- 1848, April 7.—Chippewas of the Mississippi and Lake Superior. Cession of lands to U. S.—Vol. 9, p. 904.
- 1848, April 7.—Pillager band of. Cession of lands to U. S.; ceded lands to be held as "Indian land" until otherwise ordered by the President.—Vol. 9, p. 908.

Chippewas—Continued.

- 1855, Jan. 29.—Chippewas of Lake Superior and the Mississippi. Cession of land to U. S.; reservation for the different bands of Lake Superior Chippewas (L'Anse, Vieux de Sert, La Pointe, Lac Du Flambeau, Lac Court Orielles, Fond du Lac, Grand Portage, Ontonagon, Boise Forte bands); reservations to be surveyed; President may assign 80 acres to heads of families, &c., and issue patents with certain restrictions of powers of alienation; right of pre-emption granted to missionaries, &c.; heads of families, &c., of mixed blood, belonging to Lake Superiors, may receive patent for 80 acres of land; all Indians parties to this treaty, except Chippewas of Mississippi, shall hereafter be known as Chippewas of Lake Superior.—Vol. 10, p. 1109.
- 1855, April 7.—Mississippi, Pillager, and Lake Winnebagoish bands of. All lands in Minnesota Territory owned by Indians ceded to U. S.; reservations allotted for permanent homes; President may have reservations surveyed, and assign to heads of families, &c., 80 acres; patents may be issued therefor with certain restrictions upon alienation; grant of 80 acres to mixed bloods; missionaries, &c., to have right of pre-emption to 160 acres; roads may be constructed, &c.—Vol. 10, p. 1165.
- 1856, April 24.—Chippewas of Sault Ste. Marie. Grant of island in Saint Mary's River to Chief O-shaw-waw-no.—Vol. 11, p. 631.
- 1856, June 21.—Saginaw, Black River, and Swan Creek bands of. Certain lands in Michigan to be withdrawn from sale; grant of land to heads of families, &c.; may enter and dispose of lands upon certain conditions; all lands owned by them within Michigan ceded to U. S.; certain entries of lands withdrawn from sale confirmed; selections and locations of land to be made under same rules and regulations as provided by treaty proclaimed Sept. 10, 1856.—Vol. 11, p. 633.
- 1856, Sept. 10.—Chippewas and Ottawas. Certain lands in Michigan to be withdrawn from sale; grant of lands to heads of families, &c.; selections to be made within five years; certificates to issue securing possession and ultimate title; certificates not assignable; patents to issue after ten years after period fixed for selection; remaining lands may be entered by Indians for five years, and then by any one; grants may be made for churches, schools, &c.; rights of pre-emption saved to actual settlers.—Vol. 11, p. 621.
- 1860, July 9.—Chippewas, Swan Creek and Black River bands of, and the Munsee or Christian Indians. Swan Creek and Black River bands of Kansas Territory to be united with Christian or Munsee Indians; reservation in Kansas to be surveyed; portions to be assigned in severalty to certain persons; certificates to issue for tracts assigned; restrictions upon alienation; residue of lands to be sold for benefit of Chippewas; right of way reserved for roads, &c.—Vol. 12, p. 1105.
- 1863, March 19.—Chippewas of the Mississippi, and Pillager and Lake Winnebagoish bands of Chippewas in Minnesota. Certain reservations ceded to U. S.; grant of one half section to Rev. John Johnston; reservation in lieu of lands ceded.—Vol. 12, p. 1249.
- 1864, April 25.—Red Lake and Pembina bands of. Scrip to issue to mixed bloods in lieu of lands, which may be located upon any of the lands ceded by treaty proclaimed May 5, 1864.—Vol. 13, p. 689.
- 1864, May 5.—Red Lake and Pembina bands of. All lands in Minnesota and Dakota claimed by them ceded to U. S.; grant of 160 acres of land to certain of these Indians; patent to issue after five years' cultivation; reservations of 640 acres each for certain chiefs.—Vol. 13, p. 667.
- 1865, March 20.—Chippewas of Mississippi, and Pillager and Lake Winnebagoish bands of Chippewas, in Minnesota; reservations ceded to U. S.; grant of one half-section to John Johnson, and one section each to certain chiefs.—Vol. 13, p. 693.
- 1866, May 5.—Boise Fort band of. Cession of lands to U. S.; reservation set apart for use of Indians; grant of lands to certain persons; inconsistent provisions of former treaties abrogated.—Vol. 14, p. 765.
- 1866, Aug. 16.—Chippewas of Saginaw, Swan Creek and Black River. Release to U. S. of reservation in Michigan, and of right to locate and purchase certain lands; certain lands set apart for them in Isabella County, Michigan; mode and order of selections of lands in lieu of those relinquished; certain persons may select lands and receive patents therefor; certain Ottawas, Pottawatomies, and Chippewas may select and hold lands.—Vol. 14, p. 657.
- 1867, April 18.—Chippewas of the Mississippi. All lands in Minnesota secured to Indians by treaty proclaimed March 20, 1865, ceded to U. S.; certain tract excepted, for reservation; to be surveyed; Indians having ten acres under cultivation to receive certificates for forty acres, &c., until 160 acres have been certified to any one Indian; restrictions upon alienation.—Vol. 16, p. 719.

Cho-bah-áh-bish tribe.

(See WASHINGTON TERRITORY.)

Choctaw nation.

- 1786, Jan. 3.—Boundaries of, defined.—Vol. 7, p. 21.
 1802, May 4.—Boundaries to be marked; lands relinquished to U. S.; wagon road may be made through Indian lands.—Vol. 7, p. 66.
 1803, Jan. 20.—Boundary line to be remarked; title to lands released to U. S.; alteration of old boundary.—Vol. 7, p. 73.
 1803, Dec. 26.—Boundary between Choctaw country and lands of U. S. established.—Vol. 7, p. 80.
 1808, Feb. 25.—Cession of lands to U. S.; reservations; claim of John McGrew to certain tract of land recognized; boundaries to be ascertained and marked; certain former grant confirmed.—Vol. 7, p. 98.
 1816, Dec. 30.—Cession of lands to U. S.—Vol. 7, p. 152.
 1821, Jan. 8.—Cession of lands to U. S.; U. S. cede tract of country west of Mississippi; boundaries east of Mississippi to remain until Indians are made citizens; limited parcels of lands to be laid off for families or individuals; portion of ceded lands to be sold for support of schools, &c.; Indians remaining, to be secured in tract of land.—Vol. 7, p. 210.
 1825, Feb. 29.—Lands ceded to U. S.; lands to be sold for benefit of schools as provided in former treaty; Indians remaining in ceded country may convey their settlements in fee-simple with consent of President; lands not to be apportioned to families, &c., under former treaty without consent of Choctaw nation.—Vol. 7, p. 234.
 1831, Feb. 24.—Certain lands west of Arkansas to be conveyed to Choctaws in fee-simple; entire country owned by Indians east of Mississippi River ceded to U. S.; heads of families, &c., remaining to be entitled to certain tract of land; reservations for chiefs; ceded lands to be surveyed; reservations for heads of families, &c.—Vol. 7, p. 333. Supplementary articles to preceding treaty; additional reservations to various individuals.—Vol. 7, p. 340.

Choctaws and Chickasaws.

(See CHICKASAWS and CHOCTAWS.)

Christian Indians.

- 1854, July 17.—Treaty with Delawares. Grant of lands to Christian Indians.—Vol. 10, p. 1048. (See, also, SIX NATIONS and SIX NATIONS OF NEW YORK.)

Clack-a-mas tribe.

(See CALAPOOIAS.)

Glow-we-wal-la band.

(See CALAPOOIAS.)

Comanches.

- 1854, Feb. 12.—Comanches and other tribes or nations. Right of U. S. to lay off and mark out roads through territories of tribes acknowledged.—Vol. 10, p. 1013.
 1866, May 26.—Comanches and Kiowas. Reservation set apart for; claims to other lands relinquished; U. S. may build roads through reservation and establish military posts.—Vol. 14, p. 717.
 1868, Aug. 25.—Confederation of Comanche, Kiowa, and Apache tribes.—Vol. 15, p. 589.
 1868, Aug. 25.—Comanches and Kiowas. Reservation for; heads of families, &c., may select certain tracts for farming; to be certified and recorded; certificates to issue for lands selected; possession to be held as long as tracts are cultivated; lands outside of reservation relinquished to U. S.; no treaty for cession of reservation to be valid unless by consent of three-fourths of adult males occupying the same.—Vol. 15, p. 581.

Confederated Peorias.

(See PEORIAS.)

Cow-Creek band.

(See UMPQUAS.)

Cow-nan-ti-co band.

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Creek nation.

- 1790, Aug. 13.—Boundaries of country of, defined.—Vol. 7, p. 55.
- 1797, March 18.—Boundary line to be ascertained and marked; military posts, &c., may be established; Indians relinquish claims to certain territory.—Vol. 7, p. 56.
- 1803, Jan. 11.—Cession of territory to U. S.—Vol. 7, p. 68.
- 1806, June 2.—Cession of lands to U. S.; U. S. to have right of road to the Mobile.—Vol. 7, p. 96.
- 1815, Feb. 16.—Cession of territory to U. S.; reservation to certain Indians.—Vol. 7, p. 120.
- 1818, March 28.—Cession of two tracts of land to U. S.—Vol. 7, p. 171.
- 1821, March 2.—Cession of lands to U. S.; reservations to certain Indians.—Vol. 7, p. 215.
- 1825, March 7.—Cession of territory to U. S.; lands west of Mississippi River to be given in exchange; certain reservations also ceded to U. S.—Vol. 7, p. 237.
- 1826, April 22.—Preceding treaty declared void; cession of lands to U. S.; lands west of Mississippi River to be furnished to Indians wishing to remove.—Vol. 7, p. 286.
- 1826, April 22 (supplementary to preceding treaty).—Further cession of lands.—Vol. 7, p. 289.
- 1828, March 4.—Remaining lands owned by Creeks in State of Georgia ceded to U. S.—Vol. 7, p. 307.
- 1832, April 4.—All lands of, east of Mississippi River ceded to U. S.; ceded lands to be surveyed and tracts allotted to chiefs, heads of families, &c.; tracts may be conveyed with assent of President; patents to issue at end of five years; additional locations and grants; patent to be executed to Creek tribe for Creek country west of Mississippi River.—Vol. 7, p. 366.
- 1834, April 12.—Creek (or Muscogee nation). Boundaries of Creek country west of Mississippi River defined; patent in fee-simple to issue to Indians; Seminole Indians hereafter to be considered constituent part of Creek nation and to have permanent homes set apart for them in Creek country; land granted to be in lieu of that given by former treaty.—Vol. 7, p. 417.
- 1839, March 2.—Relinquishment by Indians of all "claims for property and improvements abandoned or lost in consequence of their emigration west of the Mississippi."—Vol. 7, p. 574.
- 1845, July 18.—Creek and Seminoles. Seminoles to settle in any part of the Creek country; northern and western boundary lines of Creek country to be marked.—Vol. 9, p. 821.
- 1856, Aug. 28.—Creek and Seminoles. Cession by Creeks to Seminoles; boundaries of Creek country; no part of lands ceded by Creeks to Seminoles to be disposed of without consent of both tribes; release by Creeks to U. S. of all title to other lands, and all claims against U. S. for lands, except those embraced within boundaries; Creeks and Seminoles defined by this treaty; right of way granted for railroads, telegraphs, &c.—Vol. 11, p. 699.
- 1866, Aug. 11.—Certain persons of African descent residing in the Creek country to have equal interest in soil, &c.; cession of west half of Creek country to U. S.; right of way granted for railroad through Creek country; strip of land three miles in width on each side of such railroad to be sold to U. S., or company authorized; consent of Creeks to sale of Seminole lands; grants for educational purposes, &c.; inconsistent treaties annulled.—Vol. 14, p. 785.

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- 1868, Aug. 12.—Reservation for; heads of families, &c., may select tracts of land for farming; selections to be recorded and certificates to issue; lands to be held so long as cultivated; cession of reservation not to be valid unless with consent of majority of adult males occupying or interested in same.—Vol. 15, p. 649.

Cuthead band.

(See SIOUX.)

Dakota, or Sioux, Indians.

(See SIOUX.)

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Delawares.

- 1785, Jan. 21.*—Definition of boundary line, and allotment of reservations; reservations of posts at Detroit and Michillimachenac.—Vol. 7, p. 16.
- 1789, Jan. 9.*—Boundary lines renewed and confirmed; lands ceded to U. S., &c.—Vol. 7, p. 23.
- 1795, Dec. 2.—Establishment of boundary lines; certain tracts of land ceded to U. S.; certain lands relinquished by U. S.; former treaties declared void.—Vol. 7, p. 49.
- 1803, Dec. 26.—Boundaries of tract reserved to U. S. by former treaty described; adjoining lands relinquished by U. S.; salt spring on Saline Creek (with tract of land not exceeding four miles square) ceded to U. S.; provision for future alteration of boundaries of tract of land reserved to U. S.—Vol. 7, p. 74.
- 1805, Feb. 14.—Cession to U. S. of lands between Ohio and Wabash rivers; right of Delawares to certain country admitted; boundaries defined.—Vol. 7, p. 81.
- 1806, April 24.—Boundary line established; cession of lands.—Vol. 7, p. 87.
- 1806, April 24.—Delawares and other nations; relinquishment of claims to land; boundary line defined.—Vol. 7, p. 91.
- 1810, Jan. 16.—Delawares and other nations. Cession of land to U. S.; equal right of Delawares to country watered by White River acknowledged by Miami; U. S. relinquish right to reservation made by treaty of 1795 (vol. 7, p. 49); lands ceded for benefit of Kickapoos.—Vol. 7, p. 113.
- 1814, Dec. 21.—Delawares and other tribes. Boundaries of lands of, to be established by U. S.—Vol. 7, p. 118.
- 1819, Jan. 4.—Delawares and other nations. Cession by Delawares of claim to thirteen sections of land reserved by act of Congress March 3, 1807 (vol. 2, p. 448); grant of tract of land to certain chiefs.—Vol. 7, p. 160.
- 1819, Jan. 4 (supplementary to preceding treaty).—Grants in former treaty to be considered only as reservations for the use of Indians.—Vol. 7, p. 178.
- 1819, Jan. 15.—Cession of all claims to lands in Indiana; country west of the Mississippi to be provided for Indians; grants to certain Indians; not to be transferable without consent of President.—Vol. 7, p. 188.
- 1830, Jan. 2.—Band of, residing on Sandusky River. Tract of land reserved for use of this band by former treaty (vol. 7, p. 166) ceded to U. S.; tribe to join their nation on west side of Mississippi.—Vol. 7, p. 326.
- 1831, March 24.—Supplementary to treaty proclaimed January 15, 1819 (vol. 7, p. 188).—Reservation on Kansas and Missouri rivers provided for Delaware nation for permanent residence; lands in Missouri relinquished to U. S.; thirty-six sections within limits relinquished to be sold for support of schools for children of Delawares.—Vol. 7, p. 327.
- 1833, Feb. 12.—Delawares and Shawnees of Cape Girardeau. Cession to U. S. of all lands of Indians in State of Missouri.—Vol. 7, p. 397.
- 1843, Dec. 14.†—Agreement with Wyandots for sale of certain lands; approved by act of Congress, July 25, 1848.—Vol. 9, p. 337.
- 1854, July 17.—Cession to U. S. of lands in Kansas; reservation of tract for permanent homes; ceded country to be sold in same manner as other public lands; lands reserved to be surveyed and assigned in portions to families, &c.; right of way granted through reservation for roads, &c.; four sections of land to be confirmed by patent to the "Christian Indians" living in the ceded country; provisions of act of 1807 (vol. 2, p. 445) to be extended to ceded lands.—Vol. 10, p. 1048.
- 1860, Aug. 22.—Reservation to be surveyed and assigned in severalty among Delawares; eighty acres to be allotted to each member of the tribe; certificates to issue for assigned tracts; lands not alienable, except to U. S. or to Delawares under regulations of Secretary of Interior; Leavenworth, Pawnee, and Western Railroad Company to have right of way over lands allotted in severalty and preference in the purchase of lands to be sold; if railroad company fails to dispose of lands within seven years after receiving patent, undisposed of lands to revert to Delaware nation; grants in fee-simple to certain chiefs.—Vol. 12, p. 1129.
- 1861, Oct. 4.—Certain lands pledged by Leavenworth, Pawnee, and Western Railroad Company to secure its bonds; on failure to pay principal or interest of bonds when due, U. S. may take possession and sell said lands for benefit of Delawares; when railroad company is entitled to patent for lands.—Vol. 12, p. 1177.

* Date of conclusion.

† Date of execution.

Delawares—Continued.

1866, Aug. 10.—Remaining part of reservation to be sold by Secretary of Interior to Missouri River Railroad Company; lands of those Indians electing to become citizens to be reserved from sale; lands to be set apart for children born since allotment; U. S. agree to sell certain lands in the Indian Territory, to be allotted to Indians in severalty; provisions for the purchase of lands by Missouri River Railroad Company; Indians dissolving tribal relations and becoming citizens to receive patent in fee-simple, with power of alienation, for lands heretofore allotted them; provisions for minors; right of way for railroads through new reservation in the Indian Territory granted; twenty-three sections of land in new reservation to be granted in lieu of same amount of half-breed Kaw lands referred to in sixth section of treaty proclaimed Aug. 22, 1860 (vol. 12, p. 1129).—Vol. 14, p. 793.

Dock-spurs, or John Day's River, band.

(See WALLA-WALLAS.)

Dog River band.

(See WASCOES.)

Dwámish tribe.

(See WASHINGTON TERRITORY.)

Eel River Indians.

1795, Dec. 21.—Boundary line established; certain tracts of land ceded to U. S.; relinquishment of lands by U. S.; former treaties declared void.—Vol. 7, p. 49.

1803, Dec. 26.—Eel River Indians, and other nations. Boundaries of tract ceded to U. S. by preceding treaty defined; U. S. relinquish claims to adjoining lands; U. S. may locate certain lands; provision for future alteration of boundaries.—Vol. 7, p. 74.

1803, Dec. 23.—Right given to U. S. of locating certain lands.—Vol. 7, p. 77.

1806, April 24.—Eel River and other nations. Cession of lands to the U. S.; Eel Rivers, Weas, and Miamies to be considered as one nation and joint owners of certain country.—Vol. 7, p. 91.

1810, Jan. 16.—Cession of lands to U. S.; consent of Wea tribe required; U. S. relinquish right to certain reservation.—Vol. 7, p. 113.

1814, Dec. 21.—Eel River and other nations. U. S. to establish boundaries between their lands and those of Indians.—Vol. 7, p. 118.

1828, May 7.—Eel River or Thorntown party of Miami Indians. Cession of certain reservation to U. S.—Vol. 7, p. 309.

El-hwa village.

(See S'KLALLAMS.)

Flathead nation.

1856, April 25.—Flathead nation (consisting of the Flathead, Kootenay, and Upper Pend d'Oreille tribes) and other tribes. Certain territory to belong to the Blackfoot nation; roads, military posts, &c., may be established in Indian country.—Vol. 11, p. 657.

1859, April 18.—Confederated tribes of Flathead, Kootenay, and Upper Pend d'Oreilles Indians. Cession of lands to U. S.; reservation for Indians; reservation may be surveyed and tracts assigned to individuals on the same terms as provided for Omahas by sixth article of treaty proclaimed June 21, 1854 (vol. 10, p. 1044); guaranty of reservation against certain claims of Hudson Bay Company; Bitter Root Valley to be surveyed, and portions may be set apart for reservation; meanwhile not to be opened for settlement.—Vol. 12, p. 975.

Florida tribes of Indians.

1824, Jan. 2.—To be confined to certain boundaries; if country insufficient for support of Indians, boundaries to be extended; grant in fee of certain tracts to Gad Humphreys and S. Richards.—Vol. 7, p. 224.

1824, Jan. 2 (additional article to preceding treaty).—Reservations to be set apart for certain chiefs in old country.—Vol. 7, p. 226.

Fond du Lac band.

(See CHIPPEWAS.)

Fort Laramie, treaty of.

This treaty was never ratified, but is sometimes referred to in appropriation acts and in other treaties. It was concluded with the Sioux, Cheyennes, Arapahoes, Crows, Assinaboines, Gros Ventres, Mandans, and Arikarees, on the 17th of September, 1851. (See "Revision of Indian Treaties," p. 1047.)

Fox Indians.

1805, Feb. 21.—Fox Indians (united tribes of Sac and Fox Indians). Boundaries of country of, established; cession of tract of land for military post.—Vol. 7, p. 84.

1805, Feb. 21 (additional articles).—Nothing in this treaty to affect grants from Spanish Government, &c.—Vol. 7, p. 87.

1815, Dec. 26.*—Preceding treaty re-established, and confirmed.—Vol. 7, p. 135.

(See, also, SAC AND FOX INDIANS.)

Grand Pawnees.

(See PAWNEES.)

Grand Portage band.

(See CHIPPEWAS.)

Grand River band.

(See UTES.)

Grave Creek band.

(See UMPQUAS.)

Gros Ventres tribe.

(See BLACKFOOT NATION.)

Hunnitt village.

(See S'KLALLAMS.)

Illinois Indians.

1803, Dec. 23.—Kaskaskia, Mitchigamia, Cahokia, and Tamarois tribes of. Cession to U. S. of all lands in the Illinois country possessed by said tribes; reservation of certain tract near town of Kaskaskia; also right of location of another tract; boundaries of ceded country fixed.—Vol. 7, p. 78.

1819, Jan. 5.—Peorias unite with tribes who were parties to preceding treaty in confirming cession of land therein made.—Vol. 7, p. 181.

1833, Feb. 12.—Kaskaskia tribe (including the Mitchigamia, Cahokia, and Tamarois bands of Illinois Indians) and Peorias agree to settle on lands west of State of Missouri; Kaskaskias cede to U. S. lands reserved to them by treaty of 1803; tract reserved for Ellen Decoigne; Peorias cede all claims to lands reserved for them in States of Illinois and Missouri; U. S. cede to combined tribes one hundred and fifty sections of land on Osage River; Kaskaskias and Peorias cede and relinquish to U. S. claims to lands within States of Illinois and Missouri.—Vol. 7, p. 403.

(See, also, KASKASKIAS.)

Iowas.

1825, Jan. 18.—Iowa tribe or nation. Cession to U. S. of all lands in Missouri owned or claimed by tribe.—Vol. 7, p. 230.

1826, Feb. 6.—Boundaries defined between country of Iowas and that of other nations.—Vol. 7, p. 272.

1831, Feb. 24.—Iowas and other nations. Cession of lands to U. S.; lands ceded to be assigned to certain Indians; reservation for half-breeds; President may assign tracts (not exceeding one section) to any of said half-breeds in fee-simple.—Vol. 7, p. 328.

1837, Feb. 15.—Iowas and Missouri band of Sacs and Foxes. Cession to U. S. of "lands lying between the State of Missouri and Missouri River;" lands assigned to Indians south of Missouri.—Vol. 7, p. 511.

1838, Feb. 21.—Cession to U. S. of right and interest in lands ceded by former treaty (vol. 7, p. 328) with this and other tribes.—Vol. 7, p. 547.

1839, March 2.—Cession to U. S. of all right or interest in the country between the Missouri and Mississippi rivers; and all claims or interest under former treaties of 1824, 1830, and 1836, except so much of the last as secures to them two hundred sections of land, &c.—Vol. 7, p. 568.

1854, July 17.—Cession of lands to the U. S.; reservation for Indians; ceded lands to be surveyed and sold for the benefit of Indians; act of March 3, 1807 (vol. 2, p. 445), to be extended over ceded lands; reserved lands may be surveyed and tracts assigned to each person or family; Congress to provide for issuing of patents with certain restrictions for protection of Indians; grant of tracts to board of missions and to John B. Roy; right of way for roads, &c.—Vol. 10, p. 1069.

1863, March 26.—Iowas and other tribes. Cession of lands to the U. S. for the use of Sacs and Foxes of Missouri.—Vol. 12, p. 1171.

* Date of ratification.

Kah-milt-pah band.

(See Yukamas.)

Kah-tai village.

(See S'Klallama.)

Kansas Indians.

1825, Dec. 30.—Cession of lands to U. S.; reservation for use of; portion of ceded lands to be sold for support of Indian schools; reservation for use of half-breeds.—Vol. 7, p. 244.

1826, May 3.—U. S. may construct road through country of. (See act, vol. 4, p. 100).—Vol. 7, p. 270.

1846, April 15.—Cession to U. S. of two million acres of land. President may select new country for Indians if timber on present lands is insufficient; additional cession of lands by Indians.—Vol. 9, p. 842.

1860, Nov. 17.—Portion of reservation to be set apart and assigned in severalty to members of tribe; certificates to issue for tracts assigned; lands not alienable except to U. S. or to other members of tribe; certain lands may be sold for benefit of Indians; certain bona-fide settlers entitled to pre-emption; children of certain half breeds to have lands assigned in severalty, with restrictions upon alienation.—Vol. 12, p. 1111.

1863, March 16.—Certificates of indebtedness to issue to certain settlers on diminished reserve of Kansas Indians for the value of their improvements, to be receivable as cash in payment for certain other lands, &c.; Thomas S. Hufaker may purchase certain half-section.—Vol. 12, p. 1221.

Kaskaskias.

1795, Dec. 2.—Kaskaskias and other tribes. Boundary line between lands of U. S. and lands of Indian tribes established; cession of particular tracts; relinquishment by U. S.—Vol. 7, p. 49.

1803, Dec. 23.—Kaskaskias representing all the tribes of Illinois Indians, originally called the Kaskaskia, Mitchigamia, Cahokia, and Tamarois. All lands belonging to this tribe in Illinois country ceded to U. S.; tract of 350 acres near town of Kaskaskia reserved; also right of locating tract of 1,290 acres within ceded lands.—Boundaries of ceded lands fixed.—Vol. 7, p. 78.

1803, Dec. 23.—Right given to U. S. of locating certain lands.—Vol. 7, p. 77.

1803, Dec. 26.—Boundaries of tract reserved to U. S. by treaty of 1795 described; U. S. relinquish all adjoining lands; salt spring on Saline Creek ceded to U. S.; certain sites granted to U. S.; provision for future alteration of boundary.—Vol. 7, p. 74.

1819, Jan. 5.—Cession by Kaskaskias, Mitchigamia, Cahokia, and Tamarois bands and Peoria tribe of certain lands to U. S.—Vol. 7, p. 181.

1833, Feb. 12.—Kaskaskias, Michigamia, Cahokia, and Tamarois bands, and Peoria tribe. Lands granted to Kaskaskias by former treaty ceded to U. S.; reservation to Ellen Decoigne; lands on Osage River ceded to combined tribes of Kaskaskias and Peorias; claims to lands in Illinois and Missouri relinquished to U. S.—Vol. 7, 403.

1854, Aug. 10.—U. S. assent to union of Kaskaskias, Peorias, Piankeshaws, and Weas; cession of certain tracts of land formerly assigned to said tribes; reservation of 160 acres for each soul in said united tribe, and ten sections additional to be held in common; patents to issue for selection, subject to certain restrictions respecting alienation; residue to be sold for benefit of Indians; grant of one section to American Indian Mission Association; right of way through lands for roads, &c.; schedule of persons and families of united tribes, with quantity of land to be selected in each case; provisions for persons omitted in schedule.—Vol. 10, p. 1082.

1868, Oct. 14.—Kaskaskias, Weas and Piankeshaws and other tribes. Sale of lands held in common to actual settlers; purchasers to receive patents; Indians to dispose of their allotments in Kansas and remove to the Indian Territory; Miamies to be confederated with Peorias, Weas, Piankeshaws, and Kaskaskias, and have an undivided right in new reservation; schedule of names of settlers on ten-section reserve, &c.—Vol. 15, p. 513.

Kickapoos.

1795, Dec. 2.—Kickapoos and other tribes. Boundary lines between lands of U. S. and lands of Indians established; cession of particular tracts of lands by Indians; U. S. relinquish certain lands; former treaties declared void.—Vol. 7, p. 49.

Kickapoos—Continued.

- 1803, Dec. 23.—U. S. may locate certain lands.—Vol. 7, p. 77.
- 1803, Dec. 26.—Boundaries of certain tract reserved to U. S. described; U. S. relinquish all claim to adjoining lands; salt spring on Saline Creek ceded to U. S.; certain sites granted to U. S.; provision for future alterations of boundary.—Vol. 7, p. 74.
- 1810, March 8.—Indians agree to cession of lands made by ninth article of treaty of September 30, 1809 (vol. 7, p. 113), made with Delawares and other nations; further cession to U. S.—Vol. 7, p. 117.
- 1816, Dec. 30.—Kickapoos and Wena. Boundary line confirmed; Kickapoos acknowledge a former cession.—Vol. 7, p. 145.
- 1820, May 10.—Kickapoos of the Vermillion cede all their lands on the Wabash or any of its waters; boundaries of cession defined.—Vol. 7, p. 202.
- 1821, Jan. 13.—Cession of lands to U. S.; former treaties confirmed; claims to lands ceded by other tribes relinquished; certain tract of land in Missouri ceded to Kickapoos and heirs forever; tribe not to sell lands without consent of President; all other tracts of land on the left of the Illinois and Mississippi rivers relinquished to U. S.—Vol. 7, p. 200.
- 1821, Jan. 13 (supplementary to preceding treaty).—Amendment of article ceding lands in Missouri to Indians.—Vol. 7, p. 205.
- 1833, Feb. 13.—Cession to U. S. of former reservation; U. S. cede to Indians certain lands for permanent home; commissioners to view lands with powers to change boundaries.—Vol. 7, p. 391.
- 1833, Feb. 13 (supplemental article).—Boundaries of lands assigned to Indians fixed.—Vol. 7, p. 393.
- 1854, July 17.—Cession of lands to U. S.; reservation of 150,000 acres to Indians; reservation to be surveyed and tracts assigned each person or family; patents may issue for tracts under certain restrictions imposed by Congress; grant of one section to Peter Cadue; right of way for roads, &c., through reservation.—Vol. 10, p. 1078.
- 1863, May 28.—Reservation to be surveyed; portion of reservation to be allotted in severalty to certain members of tribe; remainder to be held in common, or sold for benefit of Indians; certificates to issue for tracts assigned in severalty; persons receiving certificates to relinquish right to lands held in common with others of tribe, and to proceeds of sale when made; patents in fee-simple to issue to allottees with power of alienation, when President may deem advisable; provision for members desiring to hold their lands in common; new home may be provided for tribe in the Indian country; Atchison and Pike's Peak Railroad Company to have privilege of buying lands remaining after assignment, on certain conditions, and right of way over lands not sold.—Vol. 13, p. 623.

Ki-gal-twal-la band.

(See WASCOES.)

Kik-i-allus tribe.

(See WASHINGTON TERRITORY.)

Kiowas.

- 1854, Feb. 12.—Kiowas, Comanches and Apaches. Right of U. S. to make roads, &c., through territory of, acknowledged.—Vol. 10, p. 1013.
- 1866, May 26.—Kiowas and Comanches. Reservation set apart for; claims to other lands relinquished; U. S. may build roads through and establish military posts on reservation.—Vol. 14, p. 717.
- 1868, Aug. 25.—Kiowas and Comanches. Reservation set apart for; additional arable land may be added if present quantity insufficient; heads of families, &c., may select tracts for farming; selections to be recorded, and certificates to issue; Congress to fix title, &c.—Vol. 15, p. 581.
- 1868, Aug. 28.—Apaches to be confederated with Kiowas and Comanches. Apaches relinquish certain grants, &c., made to them by certain prior treaties.—Vol. 15, p. 589.

Klamath tribe.

- 1870, Feb. 17.—Klamath and Moadoc tribes and Yahooskin band of Snake Indians. Cession of lands to U. S.; reservation for Indians; reservation may be surveyed into tracts and assigned to heads of families and single persons; tracts not to be alienable, nor subject to levy, &c.; but Congress may abolish restrictions in future; Indian's right to tract forfeited upon refusal to reside upon same for a period of two years.—Vol. 16, p. 707.

Klat-la-wash village.

(See S'KLALLAMS.)

Klikatat band.

(See YAKAMAS.)

Kootenay tribe.

(See FLATHEAD NATION.)

Kow-was-say-ee band.

(See YAKAMAS.)

Lake Winnebagoishish band.

(See CHIPPEWAS.)

L'Anse band.

(See CHIPPEWAS.)

Lac Court Criellois band.

(See CHIPPEWAS.)

Lac du Flambeau band.

(See CHIPPEWAS.)

La Pointe band.

(See CHIPPEWAS.)

Leaf, Sioux of the.

(See SIOUX.)

Li-ay-was band.

(See YAKAMAS.)

Long Tom band.

(See CALAPOOLIAS.)

Loups, Pawnee.

(See PAWNEES.)

Lower Brulé band.

(See SIOUX.)

Lower de Chutes band.

(See WALLA-WALLAS.)

Makah tribe.

1859, April 18.—Lands in Washington Territory ceded to U. S.; reservation for Indians; roads may be run through reservation; President may have reservation surveyed into lots and assigned to individuals, &c., as provided in treaty with Omahas (vol. 10, p. 1044)—Vol. 12, p. 939.

Marysville band.

(See CALAPOOLIAS.)

Medawah-Kanton (or Mendawakanton) band.

(See SIOUX INDIANS.)

Mee-see-qua-guilch tribe.

(See WASHINGTON TERRITORY.)

Menomonee Indians.

1817, Dec. 26.—Former cessions of land to British, French, or Spanish Governments confirmed to U. S.—Vol. 7, p. 153.

1826, Feb. 6.—Menomonee and other nations. Boundaries of Menomonee country.—Vol. 7, p. 272.

1829, Feb. 23.—Menomonee and other nations. Territorial difficulties between certain tribes referred to President for adjudication; Indians recognize title of U. S. to a certain tract of land; boundaries thereof defined.—Vol. 7, p. 303.

1832, July 9.—Boundaries of Menomonee country defined; cession of land to U. S. for benefit of New York Indians; further cession to U. S.; reservation for Menomonees; U. S. may make roads and establish military posts in Indian country.—Vol. 7, p. 342.

Menomonee Indians—Continued.

- 1832, July 9 (supplementary articles).—President to prescribe time for removal and settlement of New York Indians; allotments to Stockbridge, Munsee, Brothertown, and other tribes.—Vol. 7, p. 346.
- 1833, March 13.—Menomonees assent to grant of lands to Stockbridge, Munsee, and Brothertown Indians, made by Senate amendment to preceding treaty, but object to certain other provisions; cession of lands for New York Indians in lieu of rejected provision.—Vol. 7, p. 405.
- 1833, March 13 (appendix).—New York Indians accept modifications of Senate amendment proposed by Menomonees.—Vol. 7, p. 409.
- 1837, Feb. 15.—Cession of lands to U. S.—Vol. 7, p. 506.
- 1849, Jan. 23.—Cession to U. S. of all lands of Menomonees in Wisconsin; U. S. give to Menomonees certain lands for a home (to contain not less than six hundred thousand acres); Robert Grignon to have right of pre-emption to 160 acres of land in ceded country.—Vol. 9, p. 952.
- 1854, Aug. 2.—Cession to U. S. of lands reserved for Indians by treaty of 1849; lands in Wisconsin provided for home in lieu of such cession.—Vol. 10, p. 1064.
- 1856, April 26.—Tract of land, not to exceed two townships, ceded to U. S. for the purpose of locating thereon Stockbridges and Munsees and other New York Indians; right of way for roads, &c., granted through lands of Menomonees.—Vol. 11, p. 679.

Miami Indians.

- 1795, Dec. 2.—Boundary line between lands of U. S. and lands of Miami and other Indians, established; particular tracts of lands ceded to U. S.; relinquishment by U. S. of claims to certain lands; former treaties declared void.—Vol. 7, pp. 49-53.
- 1803, Dec. 26.—Boundaries of tract, reserved to U. S. by former treaty, described; adjoining lands relinquished by U. S.; salt spring, on Saline Creek, with contiguous lands, ceded to U. S.; certain cites granted to U. S.; provision for future alteration of boundaries.—Vol. 7, p. 74.
- 1806, April 24.—Cession of lands to U. S.; Miamies, Eel Rivers, and Weas recognized as joint owners of certain country; consent of all parties necessary to disposition of said territory.—Vol. 7, p. 91.
- 1810, Jan. 16.—Miami and other tribes. Cession of lands to U. S.; equal right of Delawares acknowledged to country watered by White River; U. S. relinquish right to certain reservation; lands ceded to U. S. for use of Kickapoos.—Vol. 7, p. 113.
- 1814, Dec. 21.—Boundaries between lands of U. S. and lands of certain tribes to be confirmed and established.—Vol. 7, p. 118.
- 1819, Jan. 15.—Cession of lands to U. S.; reservations from cession for the use of the Miamies; Miamies assent to the cession by the Kickapoos of certain lands; U. S. grant certain tracts of land by patent, in fee-simple, to J. B. Richardville, principal chief; grants to certain other Indians and heirs; not alienable without consent of President.—Vol. 7, p. 189.
- 1827, Jan. 24.—Lands ceded to U. S.; certain tracts reserved from cession; State of Indiana may construct a canal or road through reservations; grant of lands to certain persons; not to be conveyed without consent of President; U. S. to purchase certain tracts granted by former treaty.—Vol. 7, p. 301.
- 1828, May 7.—Eel River or Thorntown party of Miami Indians. Certain reservation in Indiana ceded to U. S.—Vol. 7, p. 309.
- 1837, Dec. 22.—Certain tracts in Indiana ceded to U. S.; patent to issue to J. B. Richardville for certain reserve on Wabash River; cert. in lands granted to persons named in schedule; patents to issue; patents in fee-simple to issue for certain tracts granted by former treaties; grant of quarter-section to Hugh Hanna.—Vol. 7, p. 463.
- 1839, Feb. 8.—Certain tracts and reservations ceded to U. S.; reservation set apart for band of Me-to-sin-ia; U. S. to grant patents to Indians named in schedule annexed; Indians to be provided with a country west of the Mississippi.—Vol. 7, p. 569.
- 1841, June 7.—Lands in Indiana known as "the residue of the Big Reserve" ceded to U. S.; certain lands to be conveyed in trust for certain band; grant by patent of tracts to J. B. Richardville and F. Lafountain; boundaries of country west of Mississippi to be assigned to Miamies.—Vol. 7, p. 582.

Miami Indians—Continued.

1854, Aug. 4.—Cession to U. S. of lands west of the Mississippi River assigned to Indians by preceding treaty; seventy thousand acres to be reserved from cession for future home of Indians; also, one section for school purposes; ceded and reserved lands to be surveyed, and heads of families, &c., to select tracts; after selections made, residue of seventy thousand acres reserved from cession to be held in common, but may be sold by request of majority of tribe; President may cause patents to issue for tracts allotted in severalty, with such restrictions respecting alienation, &c., as he or Congress may impose; lands not to be liable to levy, forfeiture, &c.; but legislature of State within which such lands may be hereafter embraced may, with assent of Congress, remove these restrictions; provisions for opening ceded lands to settlement by persons not members of tribe; roads, &c., may be constructed through reserved lands.—Vol. 10, p. 1093.

1868, Oct. 14.—Miami and other Indians. Miamies to be confederated with Peorias, Kaskaskias, Weas, and Piankeshaws upon reservation in Indian Territory, and to own an undivided right in reservation in proportion to sum paid, &c.—Vol. 15, p. 513.

Minneconjon band.

(See SIOUX INDIANS.)

Missourias.

1831, Feb. 24.—Missourias, Ottoes, and other nations. Cession of lands to U. S.; ceded lands to be assigned to certain other Indians.—Vol. 7, p. 328.

1834, April 12.—Missourias and Ottoes. Cession of lands to U. S.—Vol. 7, p. 429.

1837, Feb. 15.—Missourias, Ottoes, and other tribes. Cession to U. S. of lands lying between the State of Missouri and the Missouri River.—Vol. 7, p. 524.

1854, June 21.—Confederate tribes of Ottoes and Missourias. Cession of lands to U. S.; reservation for Indians; relinquishment to U. S. of former claims to lands east of Missouri River; President may cause reservation to be surveyed into lots, and assign tracts to families, &c.; patents may issue on certain conditions, and tracts to be exempt from levy, sale, &c.; but legislature of State within which such lands may hereafter be embraced may with consent of Congress remove restrictions; President may revoke patents or cancel assignments if Indians refuse to occupy or cultivate lands; residue of reservation, after assignments made, may be sold; right of way for railroads, &c.—Vol. 10, p. 1038.

1855, April 10.—Confederate tribes of Ottoes and Missourias. Reservation in lieu of that provided by preceding treaty; boundaries described.—Vol. 10, p. 1130.

Mitchigamia tribe.

(See ILLINOIS INDIANS.)

Mixed Senecas.

(See SENECAS.)

Moadoc tribe.

1870, Feb. 17.—Moadoc and Klamath tribes, and Yabooskin band of Snake Indians. Cession of lands to U. S.; reservation for Indians; reservation may be surveyed into tracts and assigned to heads of families, &c.; tracts not to be alienable nor subject to levy, &c.; but Congress may abolish restrictions in future; Indians' right to land forfeited upon refusal to reside upon same for period of two years.—Vol. 16, p. 707.

Mohawk band.

(See CALAPOOIAS.)

Mohawks.

1798, April 27.—Mohawks residing in Upper Canada. Cession to State of New York of all right and title of said nation to lands within State.—Vol. 7, p. 61.
(See, also, SIX NATIONS.)

Molallas (or Molels).

1855, April 10.—Molalla band of Molallas, confederated with various other bands or tribes in the Willamette Valley. Confederated tribes cede certain lands to U. S.; reservation set apart for tribes; reservation may be surveyed into lots, and assigned to families, &c.; patents to issue for lots, but to be revealeable if lands are not cultivated, &c.; right of way for roads, &c., through reservation.—Vol. 10, p. 1143. (See, also, WILLAMETTE INDIANS.)

1859, April 27.—Cession of certain lands in Oregon Territory to U. S.; tract of land on headwaters of Yamhill River to be provided for a permanent home for Indians.—Vol. 12, p. 981.

Muache band.

(See UTE INDIANS.)

Muddy band.

(See CALAPOOIAS.)

Munsee nation.

1806, April 24.—Munsee nation and other tribes. Boundary line of Indian country established; cession of lands by U. S.—Vol. 7, p. 87.

1814, May 16.—Munsee and Stockbridge Indians (formerly of New York) residing upon Lake Winnebago, in Wisconsin Territory. Cession to U. S. of east half of tract laid off for use of said tribes by treaty with Menomonees (vol. 7, p. 409).—Vol. 7, p. 580. (See STOCKBRIDGE and MUNSEES.)

1832, March 13.—Munsee and other nations of New York Indians accept certain tract of land ceded to them by Menomonee Indians.—Vol. 7, p. 409.

1840, April 4.—Munsee and other tribes of New York Indians cede to U. S. their lands in Wisconsin, except certain tract; lands in Indian Territory to be set apart for them.—Vol. 7, p. 550. (See NEW YORK INDIANS.)

1856, Sept. 8.—Munsee and Stockbridge Indians. Cession to U. S. of lands at the town of Stockbridge, Wisconsin, and certain lands in Minnesota; tract of land in Wisconsin south of Menomonee reservation to be selected for them; tract to be surveyed and allotted among individuals and families of tribes; certificates to issue securing possession and ultimate title to land; certificates not to be assignable; President may direct patent to issue after expiration of ten years; Indians of these tribes who have emigrated to the west of the Mississippi may be located on said tract; grant to town of Stockbridge of tract to be used as a cemetery; right of way for roads, &c., through reservation; sales of allotments under act of 1843 (vol. 5, page 645) may be examined into and set aside or confirmed.—Vol. 11, p. 663. (See STOCKBRIDGE and MUNSEE INDIANS.)

1860, July 9.—Munsee or Christian Indians. To be united with Swan Creek and Black River Chippewas; portions of land within reservation in Franklin County, Kansas, to be assigned in severalty to heads of families, &c., of united tribes; certificates to issue for assigned tracts; tracts not to be alienable except to U. S. or to members of said tribes, and to be exempt from taxation, levy, forfeiture, &c., until otherwise provided for by Congress; right of way, &c., for roads.—Vol. 12, p. 1105.

Na-al-ye band.

(See SCOTONS.)

Na-hel-ta band.

(See CHASTAS.)

Navajoes.

1868, Aug. 12.—Navajo nation or tribe. Reservation set apart for; heads of families, &c., may select tracts for farming; to be certified and recorded; lands to be held as long as cultivated; certificates of selection to be issued to allottees; Congress may provide for alienation and descent of selections; Indians relinquish all right to occupy territory outside of reservation; no future cession of reservation to be valid without consent of three-fourths of adult male Indians.—Vol. 15, p. 667.

New York Indians.

(See SIX NATIONS.)

Nez Percés.

1856, April 25.—Nez Percé tribe, and the different tribes of the Blackfoot and Flathead nations. Certain territory to belong to Blackfoot nations; U. S. may establish roads, telegraph lines, &c., through territory of Indians.—Vol. 11, p. 657.

1859, April 29.—Cession of lands to U. S.; Reservation from lands ceded; reservation may be surveyed into lots and assigned to families, &c., of tribe for permanent home, on same terms as provided in sixth article of treaty with Omahas in 1854 (vol. 10, p. 1044), so far as applicable; roads, &c., may be constructed through reservation; land occupied by William Craig not to be part of reservation.—Vol. 12, p. 957.

Nez Percés—Continued.

1867, April 20.—Cession of lands to U. S.; reservation for Indians; reservation to be surveyed into 20-acre lots; heads of families, &c., may locate upon lots for permanent home; certificates to be issued for tracts assigned in severalty; lots to be exempt from levy, taxes, &c., and not alienable in fee, until otherwise provided by law; President may cancel assignments if lands abandoned; residue of reservation to be held in common; restrictions provided by this treaty not to be removed by State or Territorial legislature without consent of Congress; roads, &c., may be established through reservation; U. S. to reserve certain springs or fountains; certain tract of land confirmed to Robert Newell, and patent to issue.—Vol. 14, p. 647.

1869, Feb. 24.—Reservation to be surveyed and members of tribe to be removed to and located upon allotments within reservation; if no sufficient quantity of suitable land within boundaries of reservation, allotments may be provided on lands outside, to be held by same tenure as provided in third article of treaty proclaimed in 1867.—Vol. 15, p. 693.

Nisquallys.

(See PUGET SOUND.)

Nook-wa-cháh-mish tribe.

(See WASHINGTON TERRITORY.)

Noo-whá-há tribe.

(See WASHINGTON TERRITORY.)

N'Quentl-má-mish tribe.

(See WASHINGTON TERRITORY.)

Oche-chotes band.

(See YAKAMAS.)

Ogallalah band.

(See SIOUX.)

Oke-no village.

(See S'KLALLAMS.)

Omahas.

1831, Feb. 24.—Omaha and other tribes. Certain territory ceded to U. S.; lands ceded to be allotted to other tribes; reservation for half-breeds; President may assign tracts of 640 acres to each half-breed, to be held in fee-simple.—Vol. 7, p. 328.

1837, Feb. 15.—Omaha and other tribes. Cession to U. S. of lands lying between State of Missouri and Missouri River.—Vol. 7, p. 524.

1854, June 21.—Cession of lands to U. S.; reservation for Indians; President may, with consent of tribe, assign new reservation; relinquishment by tribe of all claim to lands on east side of Missouri River; President may cause lands reserved to be surveyed into lots, and assign certain portions to individuals, families, &c.; patents may be issued for tracts, but lands not to be alienable, nor subject to levy, forfeiture, &c.; when State constitution formed in Territory embracing such lands, legislature may, with consent of Congress, remove restrictions; President may cancel assignments where lands are abandoned; residue of lands reserved may be sold for benefit of tribe; grant in fee-simple of certain tracts to missions of the Presbyterian Church; right of way for railroads.—Vol. 10, p. 1043.

1866, Feb. 15.—Portion of reservation sold to U. S. for Winnebago Indians; Omahas may repurchase tract under certain circumstances; present reservation to be divided among members of tribe in severalty; certificates to issue for tracts assigned; not to be alienated except to U. S., or to other members of tribe, and to be exempt from taxation, &c., until otherwise provided by Congress.—Vol. 14, p. 607.

Oneida nation.

1838, May 17.—Oneida, Orchard, and First Christian parties of Oneida Indians, cede to U. S. all their interest in land set apart for them by treaties with Menomonees (vol. 7, pp. 342, 399); reservation to be made from cession of tract containing one hundred acres for each individual; John Denny (*alias* John Sundown) relinquishes his interest in tract reserved to tribes.—Vol. 7, p. 566. (See, also, SIX NATIONS.)

Onondaga nation.

(See SIX NATIONS.)

Ontonagon band.

(See CHIPPEWAS.)

Oregon, Middle.

1859, April 18.—Middle Oregon, tribes and bands of: Ta-ih or Upper de Chutes band, Wyam or Lower de Chutes band, Tenino band, Dookapus or John Day's River band—all of Walla-Wallas; and the Dallas, Ki-gal-twal-la, and Dog River bands of Wascoes. Cession of lands to U. S.; reservation for Indians. President may cause reservation to be surveyed into lots and assigned to families, &c.; patents may be issued for tracts, but lands not to be alienable, and to be exempt from levy, &c., until, with consent of Congress, restrictions are removed by legislature of State which may subsequently embrace these lands; President may revoke patent or cancel assignment if lands are abandoned; right of way for roads, &c.—Vol. 12, p. 963.

1867, March 28.—Tract of land to be allotted to each head of family "to be secured to said family and the heirs thereof forever."—Vol. 14, p. 751.

Osages.

1810, April 28.—Osage Indians, Great and Little. Boundary line of country of, established; cession and relinquishment to U. S. of all lands lying north and east of said line.—Vol. 7, p. 107.

1819, Jan. 7.—Cession of lands to U. S.—Vol. 7, p. 183.

1825, Dec. 30.—Cession of lands to U. S.; reservation for Osages in territory ceded; reservations for half-breeds; certain tracts reserved for benefit of missions.—Vol. 7, p. 240.

1826, May 3.—Right of way granted for a road "from the western frontier of Missouri to the confines of New Mexico" (in pursuance to act of Congress of March 3, 1825, vol. 4, p. 100).—Vol. 7, p. 268.

1839, March 2.—Cession to U. S. of all interest in reservations heretofore claimed by Osages within the limits of lands of any other tribe; U. S. to purchase reservations set apart for half-breeds by treaty proclaimed December 30, 1825.—Vol. 7, p. 576.

1867, June 21.—Sale to U. S. of part of reservation; ceded lands not to be open to homestead or pre-emption settlers; cession of portion of remainder of reservation to be held in trust for Indians and sold for their benefit at not less than \$1.25 per acre; grant of one section to John Schoenmaker, in trust for Catholic mission, with privilege of purchasing two adjoining sections; certain actual settlers to have privilege of purchasing quarter-section each of ceded or trust lands; scrip, not exceeding \$5,000 in value, to issue to James N. Coffey and A. B. Canville, to be receivable as cash in payment for trust lands; heirs of Charles Mograin may select one section of land; Darius Rogers to have privilege of purchasing two quarter-sections at \$1.25 per acre; certain half-breeds to receive patent for 80 acres each; heirs of Joseph Swies to receive patent for half-section of land sold to U. S., and half-section of trust land; Indians may remove from State of Kansas, and diminished reservation to be sold in the same manner as provided in relation to trust lands.—Vol. 14, p. 687.

Ottawa Indians.

1785, Jan. 21.*—Boundaries of Indian lands; Indians recognize title of U. S. to certain described lands; reservation of certain post for use of U. S.—Vol. 7, p. 16.

1789, Jan. 9.—Ottawas and other nations. Boundary line renewed and confirmed; cession of lands to U. S.; reservations by U. S. for trading-posts.—Vol. 7, p. 28.

1795, Dec. 2.—Ottawas and other nations. Boundary line established; cession of claims to lands east and south of such line; particular tracts ceded to U. S. relinquishment of lands by U. S.; former treaties declared void.—Vol. 7, p. 49.

1806, April 24.—Ottawas and other nations. Boundary line established; cession of lands to U. S.—Vol. 7, p. 87.

1808, Jan. 27.—Ottawas and other nations. Cession of lands to U. S.; certain tracts reserved for Indians.—Vol. 7, p. 105.

* Date of conclusion.

Ottawa Indians—Continued.

- 1809, March 3.—Ottawas and other nations. Grant of tract of land "for a road, of 120 feet in width, from foot of rapids of the Miami River of Lake Erie to the western line of the Connecticut Reserve; and all the land within one mile of said road, on each side thereof. * * * Also tract of land 120 feet wide for a road from Lower Sandusky to boundary line established by treaty of Greenville."—Vol. 7, p. 112.
- 1816, Dec. 30.—Ottawas and other nations. Cession of lands to U. S.; relinquishment of land by U. S.—Vol. 7, p. 146.
- 1819, Jan. 4.—Ottawas and other nations. Lands ceded to U. S.; reservation of tract of land on Blanchard's Fork of the Great Auglaize River, and also tract on the Little Auglaize River; grant of lands to certain half-breeds and others; U. S. reserve right to construct roads through reservation, &c.; grant of lands for use of certain church and college; certain tract granted to chiefs for use of tribe for reservation.—Vol. 7, p. 160.
- 1819, Jan. 4 (supplementary to preceding treaty).—Grants to be considered only as reservations for the use of said Indians; grants to certain half-breeds, &c., not to be conveyed without consent of President.—Vol. 7, p. 178.
- 1821, March 8.—Ottawas and Chippewas. Cession to U. S. of the Saint Martin Islands, in Lake Huron.—Vol. 7, p. 207.
- 1822, March 25.—Ottawas and other nations. Cession of lands to U. S.; certain tracts reserved for U. S.; grants to certain Indians and heirs; lands not to be alienable without consent of President; U. S. may construct road through Indian country, from Detroit and Fort Wayne respectively, to Chicago.—Vol. 7, p. 218.
- 1826, Feb. 6.—Ottawas and other nations. Boundary line between lands of different tribes defined.—Vol. 7, p. 272.
- 1829, Jan. 7.—Ottawas and other nations. Provisional boundary line between U. S. and lands of Indians established.—Vol. 7, p. 315.
- 1830, Jan. 2.—United nations of Ottawa, Chippewa, and Pottawatomie Indians. Cession of lands to U. S.; lands reserved for certain chiefs and their bands; tracts to be granted to certain descendants of Indians; inalienable without consent of President.—Vol. 7, p. 320.
- 1832, April 6.—Ottawas residing in State of Ohio. Indians on Blanchard's Fork of the Great Auglaize and Little Auglaize Rivers cede to U. S. tracts reserved to them by sixth article of treaty proclaimed Jan. 4, 1819 (vol. 7, p. 160); Tract of 34,000 acres on Kansas River to be granted to said tribes in fee-simple; lands ceded to U. S. to be sold to highest bidder for benefit of tribes; lands granted to Indians not to be sold, except to U. S.; band of Ottawas residing at Roche de Boenf and Wolf Rapids, on the Miami River of Lake Erie, cede to U. S. certain tracts reserved to them by treaty proclaimed Jan. 27, 1808; tract of 40,000 acres west of Mississippi to be granted to said bands by patent in fee-simple; lands ceded to U. S. to be sold for benefit of Indians; tribe may elect to remove to Michigan or west of Mississippi River; temporary reservations for certain chiefs; grant of lands to H. Thebault, William McNabb, and to the children of Peter Minor, (all half-bloods).—Vol. 7, p. 359.
- 1833, March 22.—Ottawas residing on the reserves on the Miami of Lake Erie. Cession of lands to U. S.; reservations to certain chiefs, and other persons; tracts assigned to Indians not be alienated without consent of President.—Vol. 7, p. 420.
- 1835, Feb. 21.—United nation of Chippewa, Ottawa, and Pottawatomie Indians. Cession of lands to U. S.; lands west of the Mississippi River assigned to Indians.—Vol. 7, p. 431.
- 1835, Feb. 21 (articles supplementary to preceding treaty).—Cession to U. S. of lands in Michigan Territory.—Vol. 7, p. 442.
- 1836, May 27.—Ottawas and Chippewas. Lands in Michigan Territory ceded to U. S.; certain reservations to be held by tribes in common; claims of half-breeds to certain reservations extinguished; deputations of Indians to be sent to the southwest of Missouri River to select a permanent home for Indians.—Vol. 7, p. 491.
- 1846, July 23.—Various bands of Pottawatomie Indians, known as Chippewas, Ottawas, and Pottawatomes, &c., to be united, and called the "Pottawatomie nation;" cession of lands to U. S.; tract of land in Kansas granted to united tribes.—Vol. 9, p. 853.

Ottawa Indians—Continued.

1856, Sep. 10.—Ottawas and Chippewas of Michigan. Certain lands in Michigan to be withdrawn from sale for benefit of Indians; grant of land to each Indian: Indians may make their own selections; certificates to issue, securing to holders possession and ultimate title to lands, but not to be assignable; patents to issue after expiration of ten years, and restrictions on sales of land to cease; President may in individual cases issue patents before, or withhold them after, expiration of ten years; after five years, the remaining lands may be entered in the usual manner by Indians for a further term of five years, and, after expiration of that term, by any one; rights of pre-emption settlers saved; Board of Foreign Missions may purchase certain tract at \$1.25 per acre.—Vol. 11, p. 621.

1862, July 28.—United bands of Blanchard's Fork and of Roche de Boeuf. To become citizens of U. S. in five years; reservation to be surveyed into 80-acre tracts; grant of lands to certain chiefs, &c., and patents to issue; heads of families to receive 160 acres of land, and all other members of tribe 80 acres; lands not to be encumbered nor alienated until Indians become citizens; forty acres, including improvements of allottee, to be inalienable during lifetime; lands to be set apart for endowment of a school; grant of 80 acres to Emmeline and Eliza Meeker; not to be alienable; residue of reservation to be sold to actual settlers at not less than \$1.25 per acre; no person to enter more than 320 acres.—Vol. 12, p. 1237.

1868, Oct. 14.—Ottawas of Blanchard's Fork and Roche de Boeuf. West part of Shawnee reservation in Indian Territory ceded to U. S. and sold to Ottawas; provisions of preceding treaty as to members of tribe becoming citizens extended for two years; patents in fee-simple to issue to allottees under preceding treaty, so that they may sell their lands without restriction and remove to reservation herein provided; remaining unsold portion of Ottawa trust lands to be sold to trustees of Ottawa University, to be disposed of for benefit of said institution.—Vol. 15, p. 513.

Ottoes.

1831, Feb. 24.—Ottoes and Missourias, and other tribes. Cession of lands to U. S.; ceded and relinquished lands to be assigned to certain other tribes; reservation for certain half-breeds.—Vol. 7, p. 328.

1834, April 12.—Ottoes and Missourias, united bands of, residing on the River Platte; cession of lands to U. S.—Vol. 7, p. 429.

1837, Feb. 15.—Ottoes and Missourias, and other tribes. Cession to U. S. of lands lying between the State of Missouri and Missouri River.—Vol. 7, p. 524.

1854, June 21.—Confederated tribes of Ottoes and Missourias. Cession of lands to U. S.; reservation for confederated tribes; claims to land on east side of Missouri River relinquished to U. S.; President may have reserved lands surveyed, and assign tracts to individuals and families; patents may be issued, with restrictions upon alienation, &c.; lands to be exempt from levy, &c., but legislature of State embracing such lands may, with consent of Congress, remove restrictions; President may cancel assignment or revoke patent if allottee refuses to cultivate lands; residue of reservation may be sold for benefit of Indians; right of way for railroads, &c., granted through lands of tribes.—Vol. 10, p. 1038.

1855, April 10 (supplementary to preceding treaty.—Reservation in lieu of that in former treaty.—Vol. 10, p. 1130.

Palouse band.

(See YAKAMAS.)

Pawnee Indians.

1834, April 12.—Confederated bands of Grand Pawnees, Pawnee Loups, Pawnee Republicans, and Pawnee Tappahs, residing on the Platte and the Loup Fork. Cession to U. S. of all lands of said bands lying south of the Platte River.—Vol. 7, p. 448.

1849, Jan. 8.*—Four confederated bands of Pawnees. Cession of certain tract along the Platte River to U. S.—Vol. 9, p. 949.

1858, May, 26.—Four confederated bands of Pawnees. Lands ceded to U. S.; tract reserved for Indians; more suitable country in lieu may be selected in future; reservation may be divided among themselves, but not to be alienated except to U. S.; half-breeds residing with Indians to be entitled to equal rights; scrip for 160 acres of land to issue to certain other half-breeds; right of way for roads, &c.—Vol. 11, p. 729.

* Date of ratification.

Pembina and Red Lake bands.

(See CHIPPEWAS.)

Peorias.

1819, Jan. 5.—Peoria, Kaskaskia, Mitchigamia, Cahokia, and Tamarois tribes of Illinois nation of Indians. Cession of lands to U. S.; six hundred and forty acres of land in the Missouri Territory ceded to Peorias.—Vol. 7, p. 181.

1833, Feb. 12.—Peoria and Kaskaskia tribes, confederation of. Cession by Peorias of all claims to land (reserved or assigned to them in former treaties) in Illinois and Missouri; U. S. cede to united tribes one hundred and fifty sections of land west of the State of Missouri, on the Osage River; united tribes cede and relinquish to U. S. claims to lands in States of Illinois and Missouri.—Vol. 7, p. 403.

1854, Aug. 10.—U. S. assent to union of Peorias and Kaskaskias with Piankeshaws and Weas; united tribes cede to U. S. lands reserved by former treaties; reservation for Indians; one hundred and sixty acres to be selected for each soul in united tribe, and ten sections additional to be held in common; patents to issue to individuals or families subject to such restrictions respecting alienation as President or Congress may prescribe; residue of ceded lands to be sold for benefit of Indians; grant of one section to American Indian Mission Association; settlement by others not permitted till after selections by Indians; right of way for roads, &c.; schedule of persons or families of united tribes, with quantity of land to be selected; provisions for persons omitted in schedule.—Vol. 10, p. 1082.

1868, Oct. 14.—Confederated tribes of Peorias, Kaskaskias, Weas, and Piankeshaws; purchasers of nine and a half sections of land (being part of lands reserved to said tribes in common by preceding treaty), to receive patents; lands purchased from Senecas and Quapaws in the Indian Territory to be granted and sold to united tribes of Peorias, &c.; Secretary of Interior to remove restrictions upon sales of lands reserved by preceding treaty; Miami to be confederated with Peorias, &c., upon their new reservation.—Vol. 15, p. 513.

Piankeshaws.

1795, Dec. 2.—Piankeshaw Indians and other tribes. Boundary line of country of, established; particular tracts ceded to U. S.; U. S. relinquish certain lands to Indians; former treaties void.—Vol. 7, p. 49.

1803, Dec. 23.—Piankeshaws and other nations relinquish and confirm right given to U. S. of locating certain lands.—Vol. 7, p. 77.

1803, Dec. 26.—Piankeshaws and other nations. Boundaries of certain tract reserved to U. S. by former treaty described; U. S. relinquish adjoining lands; salt spring on Saline Creek, with adjacent land, ceded to U. S.; provision for future alteration of boundary.—Vol. 7, p. 74.

1805, Feb. 6.—Cession of lands to U. S.; acknowledgment of right of Kaskaskias to sell certain land.—Vol. 7, p. 83.

1807, May 23.—Cession of land to U. S.; Indians reserve right of locating tract of two square miles for permanent home.—Vol. 7, p. 100.

1833, Feb. 12.—Piankeshaws and Weas. All lands in Missouri and Illinois belonging to, ceded to U. S.; 250 sections of land in Kansas ceded to tribes for permanent home.—Vol. 7, p. 410.

1854, Aug. 10.—U. S. assent to union of Piankeshaws and Weas with Peorias and Kaskaskias; united tribes cede to U. S. lands reserved by former treaties; reservation for Indians; 160 acres to be selected for each soul in united tribes, and ten sections in addition to be held in common; patents to issue to individuals or families, subject to such restrictions respecting alienation as President or Congress may prescribe; residue of ceded lands to be sold for benefit of Indians; grant of one section to American Indian Mission Association; settlements by citizens of U. S., &c., not permitted until Indians have made their selections; right of way for roads, &c., granted; schedule of persons or families of united tribes, with quantity of land to be selected; provisions for persons omitted in schedule.—Vol. 10, p. 1082.

1868, Oct. 14.—Confederated tribes of Piankeshaws, Weas, Peorias, and Kaskaskias. Purchasers of nine and a half sections of land (being part of lands reserved to said tribes in common by preceding treaty), to receive patents; lands purchased from Senecas and Quapaws in the Indian Territory to be granted and sold to united tribes of Piankeshaws, &c.; Secretary of Interior to remove restrictions upon sale of lands reserved by preceding treaty; Miami to be confederated with Piankeshaws, &c., upon new reservation.—Vol. 15, p. 513.

Piegán tribe.

(See BLACKFOOT NATION.)

Pillager band.

(See CHIPPEWAS.)

Pine Tops; Sioux who shoot in the.

(See SIOUX.)

Pishtst village.

(See S'KLALLAMS.)

Pisquouse tribe.

(See YAKAMAS.)

Ponca Indians.

1859, April 11.—Cession of land to U. S.; reservation for Indians; scrip for one hundred and sixty acres of land to issue to certain half-breeds, and to wife and children of Francis Roy; reservation may be divided and tracts assigned to heads of families, &c., but lands not to be alienated except to U. S.; lawful residents on land ceded may enter one hundred and sixty acres at \$1.25 per acre; right of way, &c., for roads.—Vol. 12, p. 997.

1867, March 23. Cession to U. S. of portion of reservation set apart for them by preceding treaty; certain fractional townships of land ceded by U. S. to Poncas.—Vol. 14, p. 675.

Pottawatomies.

1789, Sept. 27.—Pottawatomie and other nations. Boundary lines renewed and confirmed; lands ceded to U. S.; U. S. relinquish certain lands to Indians; reservations by U. S. for trading-posts.—Vol. 7, p. 23.

1795, Dec. 2.—Pottawatomie and other nations. Boundary lines established; cession of lands to U. S.; particular tracts of land ceded to U. S.; certain lands relinquished by U. S.; former treaties void.—Vol. 7, p. 49.

1803, Dec. 26.—Pottawatomie and other nations. Boundaries of tract reserved to U. S. by former treaty described; U. S. relinquish claim to adjoining lands; salt spring with adjacent land on Saline Creek, ceded to U. S.; certain sites granted to U. S.; provision for future alterations of boundary.—Vol. 7, p. 74.

1806, April 24.—Pottawatomie and other nations. Boundary line established; cession of lands to U. S.—Vol. 7, p. 87.

1806, April 24.—Pottawatomie and other nations. Right of Delawares to sell certain lands to U. S. acknowledged.—Vol. 7, p. 91.

1808, Jan. 27.—Cession of lands to U. S.; reservations for Indians.—Vol. 7, p. 105.

1809, March 3.—Pottawatomie and other nations. Grant to the U. S. of "tract of land for a road, 120 feet in width, from the foot of the rapids of the Miami River, of Lake Erie to the western line of the Connecticut reserve, and all the land within one mile of the said road, on each side thereof; also a tract of land for a road only, of 120 feet in width, to run southwardly of what is called Lower Sardusky to the boundary line established by the treaty of Greenville."—Vol. 7, p. 112.

1810, Jan. 16.—Pottawatomie and other nations. Cession of lands to U. S.; relinquishment of certain reservations by U. S.—Vol. 7, p. 113.

1816, Dec. 30.—Pottawatomies residing on the Illinois River and other nations. Cession of lands to U. S.; relinquishment of certain tract of land by U. S.—Vol. 7, p. 146.

1819, Jan. 4.—Pottawatomie and other nations. Cession of lands to U. S.; grant of one section of land to Alexander D. Godfroy and Richard Godfroy, adopted children of Pottawatomie tribe; grant of lands to church and college corporations at Detroit; right of way for roads, &c., reserved by U. S.—Vol. 7, p. 160.

1819, Jan. 4 (supplementary to preceding treaty).—Lands granted to certain persons by eighth article of former treaty not to be conveyed without permission of President.—Vol. 7, p. 178.

1819, Jan. 15.—Lands ceded to U. S.; grant of lands to certain persons; lands not to be conveyed without consent of President.—Vol. 7, p. 185.

1822, March 25.—Pottawatomie and other nations. Cession of lands to U. S.; tracts reserved for use of Indians; grants to certain persons; lands not to be conveyed without permission of President; U. S. may construct road through Indian country from Detroit and Fort Wayne, respectively, to Chicago.—Vol. 7, p. 218.

Pottawatomies—Continued.

- 1826, Feb. 6.—Pottawatomies of the Illinois River, and other tribes and nations. Boundary of country of.—Vol. 7, p. 272.
- 1827, Feb. 7.—Lands ceded to U. S.; strip of land 100 feet wide from Lake Michigan to Wabash River ceded to U. S. for a road; also one section of land contiguous to road for each mile; and also for each mile of a road from termination thereof through Indianapolis to Ohio River; grants of land to certain persons; but lands so granted not to be conveyed without consent of President.—Vol. 7, p. 295.
- 1829, Jan. 7.—United tribes of Pottawatomies, Chippewas, and Ottawas, and other Indians. Provisional boundaries between lands of U. S. and of Indians established.—Vol. 7, p. 315.
- 1829, Jan. 7.—Cession of lands to U. S.; grants of lands to individual Indians; lands not to be conveyed without consent of President.—Vol. 7, p. 317.
- 1829, Feb. 23.—Certain tracts of land ceded to U. S.; lands in Michigan Territory reserved for consolidated tribes of Pottawatomies.—Vol. 7, p. 305.
- 1830, Jan. 2.—United tribes of Chippewas, Ottawas and Pottawatomies. Lands ceded to U. S.; certain lands reserved for Indians; tracts of land granted by U. S. to certain descendants from Indians; not to be conveyed, &c., without permission of President.—Vol. 7, p. 320.
- 1833, Jan. 21.—Pottawatomies of the Prairie and Kankakee. Cession of lands to U. S.; reservations from cession for Indians and persons of Indian descent.—Vol. 7, p. 378.
- 1833, Jan. 21.—Lands of, in Indiana, ceded to U. S.; reservations set apart for Indians.—Vol. 7, p. 394.
- 1833, Jan. 21.—Pottawatomies of the State of Indiana and Michigan Territory. Lands in States of Indiana and Illinois and in the Territory of Michigan south of Grand River, ceded to U. S.; reservations for the different bands; grant of lands to certain persons; patents to issue.—Vol. 7, p. 399.
- 1835, Feb. 21.—United nations of Chippewa, Ottawa, and Pottawatomie Indians. Cession of lands to U. S.; lands of equal quantity west of Mississippi River assigned to Indians.—Vol. 7, p. 431.
- 1835, Feb. 21 (supplementary articles to preceding treaty).—Reservations in Michigan Territory ceded to U. S.; alteration of boundary of lands west of Mississippi River assigned to Indians; section of land in Territory of Michigan granted to Peter and James J. Godfrey.—Vol. 7, p. 442.
- 1835, March 16.—Com-o-za, chief of Pottawatomies, and his band. Cession to U. S. of two sections of land reserved for band by second article of treaty proclaimed January 21, 1833.—Vol. 7, p. 467.
- 1835, March 16.—Muck Rose, chief of Pottawatomies, and his band. Cession to U. S. of six sections of land reserved for band by second article of treaty proclaimed January 21, 1833.—Vol. 7, p. 467.
- 1835, March 16.—Cession to U. S. of two sections of land reserved to Indians by treaty proclaimed January 21, 1833.—Vol. 7, p. 468.
- 1835, March 16.—Mota, chief of Pottawatomies, and his band. Cession to U. S. of four sections of land reserved for band by second article of treaty of January 21, 1833.—Vol. 7, p. 469.
- 1836, May 25.—Pan-koo-shuck, Aub-ba-nanb-ba's oldest son, chief of Pottawatomies, and his band. Cession to U. S. of thirty-six sections of land reserved for band by treaty proclaimed January 21, 1833.—Vol. 7, p. 499.
- 1836, May 25.—O-kah-manse, Kee-waw-nay, Nee-boash, and Mat-chis-jaw, chiefs of Pottawatomies, and their bands. Cession to U. S. of ten sections of land reserved to bands by second article of treaty proclaimed January 21, 1833.—Vol. 7, p. 500.
- 1836, May 25.—Nas-waw-kee, and Quash-quaw, chiefs of Pottawatomies, and their bands. Cession to U. S. of three sections of land reserved for them by second article of treaty proclaimed January 21, 1833.—Vol. 7, p. 501.
- 1836, June 4.—Mee-quaw-buck, chief of Pottawatomies, and his band. Cession to U. S. of four sections of land reserved for said band by second article of treaty proclaimed January 21, 1833.—Vol. 7, p. 490.
- 1836, June 4.—Wau-ke-wa, Che-cose's only son, chief of Pottawatomies, and his band. Cession to U. S. of four sections of land reserved for band by second article of treaty proclaimed January 21, 1833.—Vol. 7, p. 496.
- 1837, Feb. 16.—Mosack, chief of Pottawatomies, and his band. Cession to U. S. of four sections of land reserved for band by second article of treaty proclaimed January 21, 1833.—Vol. 7, p. 514.

Pottawatomies—Continued.

- 1837, Feb. 18.—Pe-pin-a-waw, No-taw-kah, and Mac-kah-tah-mo-ah, chiefs of Pottawatomies, and their bands. Cession to U. S. of twenty-two sections of land reserved for bands by second article of treaty proclaimed January 21, 1833.—Vol. 7, p. 505.
- 1837, Feb. 18.—To-i-sa's brother Me-mat-way, and Che-quaw-ka-ko, chiefs of Pottawatomies, and their band. Cession to U. S. of ten sections of land reserved for bands by treaty proclaimed January 21, 1833.—Vol. 7, p. 513.
- 1837, Feb. 18.—Pottawatomies of the Wabash, bands of Kin-krash, Che-chaw-kose, Ash-kum, Wee-si-o-nas, We-saw, Mo-ta, Mi-no-quet, chiefs of Pottawatomies, cede to U. S. forty-two sections of land reserved for them by treaty proclaimed January 21, 1833.—Vol. 7, p. 515.
- 1837, Feb. 18.—Chee-chaw-kose, Ash-kum, Wee-saw or Louison, Muck-kose, and Qui-qui-to, chiefs of Pottawatomies. Cession to U. S. of certain lands reserved to them by former treaties; U. S. agree to convey by patent to Pottawatomies of Indiana a tract of country on the Osage River, southwest of the Missouri River; U. S. to purchase certain lands reserved for Qui-qui-to by treaty proclaimed January 21, 1833.—Vol. 7, p. 532.
- 1846, July 23.—U. S. to recognize as one nation the various bands of Pottawatomie Indians, known as the Chippewas, Ottawas, and Pottawatomies, the Pottawatomies of the Prairie, the Pottawatomies of the Wabash, and the Pottawatomies of Indiana, to be known as the "Pottawatomie nation;" cession of certain lands to U. S.; grant of five hundred and seventy-six thousand acres of land in Kansas to Pottawatomie nation.—Vol. 9, p. 853.
- 1862, April 19.—Reservation in Kansas to be surveyed; portion of reservation to be assigned in severalty to heads of families, &c.; certificates to issue for tracts so assigned; lands to be exempt from taxation, levy, &c., until otherwise provided by law, and to be alienable only to U. S., or to other members of tribe with permission of President; patents may hereafter be issued to allottees, with power of alienation when Indians sufficiently intelligent to become citizens of U. S.; portion of reservation to be held in common by Indians who so desire; residue of reservation to be sold for benefit of tribe; Leavenworth, Pawnee and Western Railroad may purchase whole of such surplus lands at \$1.25 per acre; terms of purchase; Leavenworth, Pawnee and Western Railroad to have right of way over lands of tribe not sold; if railroad company fails to purchase lands, or forfeits same after purchase, lands to be sold at auction at not less than \$1.25 per acre; conveyance of certain lands in trust for school and church purposes for Catholic and Baptist missions.—Vol. 12, p. 1192.
- 1866, May 5 (supplemental article to treaty proclaimed April 19, 1862).—Provisions of third article of preceding treaty, authorizing patents to issue to certain allottees, extended to all adult persons of tribe, without distinction of sex, &c.—Vol. 14, p. 763.
- 1868, Aug. 7.—Lands in the Indian Territory to be selected for home of Pottawatomies; Leavenworth, Pawnee and Western Railroad Company having failed to purchase surplus lands of Indians, the same may be disposed of to Atchison, Topeka and Santa Fé Railroad Company at \$1 per acre; conditions and terms of purchase and payment; all existing restrictions to be removed from sale and alienation of lands by adults who have declared their intention of removing to Indian Territory; provisions of third article of treaty proclaimed April 19, 1863, to be in force; settlement of estates of deceased allottees to be taken charge of by courts; lands set apart by former treaty for benefit of mission schools to be granted in fee-simple to certain persons; right to purchase certain lands from Indians granted to certain persons.—Vol. 15, p. 532.

Puget Sound.

- 1855, April 10.—Tribes and bands occupying lands around the head of Puget Sound and the adjacent inlet: (Nisqually, Puyallup, Steilacoom, Squawksin, S'Homamish, Steh-chase, T'Peeksin, Squi-aitl, and Sa-heh-wamish tribes and bands). Cession of lands to U. S.; reservation for Indians; right of way for roads, &c.; Indians may be removed to other lands; reservation may be surveyed into lots and assigned to individuals or families on same terms and subject to the same regulations as provided in sixth article of treaty with the Omahas (vol. 10, p. 1044), so far as the same may be applicable.—Vol. 10, p. 1132.

Puyallup tribe.

(See PUGET SOUND.)

Quapaws.

- 1818, Jan. 5.—Quapaw tribe or nation. Cession of lands to U. S.; reservation for Indians.—Vol. 7, p. 176.
- 1825, Feb. 19.—Claim to lands in Arkansas Territory ceded to U. S.; tribe to be confined to district of country occupied by the Caddo Indians, and to form part of said tribe; two sections of land reserved to James Scull; tracts of land granted by U. S. to certain Indians by descent.—Vol. 7, p. 232.
- 1834, April 12.—Relinquishment to U. S. of lands given to Quapaws by Caddo Indians on the Bayou Treache of Red River; one hundred and fifty sections of land "west of State line of Missouri" granted to Indians in lieu of ceded lands.—Vol. 7, p. 424.
- 1868, Oct. 14.—Cession to U. S. of that portion of reservation lying in the State of Kansas; excepting therefrom one-half section, to be patented to Samuel G. Vallier; further cession to U. S. of portion of remaining reservation; lands sold to Peorias and other tribes of Indians for home.—Vol. 15, p. 513.

Quil-si-eton band.

(See CHASTAS.)

Qui-nai-elt and Quil-leh-ute.

- 1859, April 11.—Qui-nai-elt and Quil-leh-ute Indians, different bands and tribes of. Certain lands in Washington Territory ceded to U. S.; reservation for Indians; right of way for roads through reservation; Indians may be removed and consolidated with other bands; reservation may be surveyed into lots and assigned to individuals or families on the same terms and subject to the same regulations as provided in the sixth article of treaty with Omahas (vol. 10, p. 1044), so far as applicable.—Vol. 12, p. 971.

Red Lake band.

(See CHIPPEWAS.)

Republican Pawnees.

(See PAWNEES.)

Roche de Boeuf, Ottawas of.

(See OTTAWAS.)

Rock River, Sacs of.

(See SACS.)

Rogue River tribe.

- 1855, Feb. 5.—Cession to U. S. of lands in Oregon; temporary reservation for Indians.—Vol. 10, p. 1018.
- 1855, April 7.—Other Indians may be settled on Table Rock reserve, assigned to Rogue Rivers by former treaty.—Vol. 10, p. 1119.

Sa-cher-i-ton band.

(See SCOTONS.)

Sac and Fox Indians.

- 1805, Feb. 21.—Sacs and Foxes. Boundary of country of; Cession of lands to U. S.; tract of land on Wisconsin River ceded to U. S. for military post; grants from Spanish Government not to be affected by this treaty.—Vol. 7, p. 84.
- 1815, Dec. 26.*—Sacs residing on Missouri River assent to treaty with Sac and Fox Indians, concluded at Saint Louis, Nov. 3, 1804 (vol. 7, p. 84)—Vol. 7, p. 134.
- 1815, Dec. 26.*—Fox tribe assent to and confirm treaty with Sac and Fox Indians, concluded at Saint Louis November 3, 1804 (vol. 7, p. 84).—Vol. 7, p. 135.
- 1816, Dec. 30.—Sacs of Rock River assent to and confirm treaty with the united tribes of Sacs and Foxes, concluded November 3, 1804 (vol. 7, p. 84).—Vol. 7, p. 141.
- 1825, Jan. 18.—Sacs and Foxes. Cession of lands in Missouri to U. S.; tract of land reserved for half-breeds; Indians acknowledge title of U. S. to certain lands.—Vol. 7, p. 229.
- 1826, Feb. 6.—Sacs and Foxes, and other nations. Boundary line between lands of Sacs and Foxes and those of Sioux; Sac and Fox tribes relinquish to other tribes all their claim to land on the east side of the Mississippi River.—Vol. 7, p. 272.

* Date of ratification.

Sac and Fox Indians—Continued.

- 1831, Feb. 24.—Sacs and Foxes, and other tribes. Cession of lands to U. S.; ceded lands to be assigned to certain other tribes.—Vol. 7, p. 328.
- 1833, Feb. 13.—Sacs and Foxes; confederate tribes of, cede to U. S. certain lands to which they have title or claim; tract of four hundred square miles reserved for use of tribes.; U. S. to grant two sections of land to Antoine Le Claire, interpreter.—Vol. 7, p. 374.
- 1837, Feb. 15.—Sacs and Foxes of the Missouri, and other tribes. Cession to U. S. of lands lying between the State of Missouri and the Missouri River; tract of land south of the Missouri River assigned to Missouri band of Sacs and Foxes.—Vol. 7, p. 511.
- 1837, Feb. 15.—Sacs and Foxes. Cession to U. S. of title and interest of tribes to lands between the State of Missouri and the Missouri River.—Vol. 7, p. 516.
- 1837, Feb. 27.—Sacs and Foxes. Cession to U. S. of 400 sections of land reserved by treaty proclaimed February 13, 1833.—Vol. 7, p. 517.
- 1838, Feb. 21.—Sacs and Foxes. Cession to U. S. of tract of country containing one million two hundred and fifty thousand acres, lying west and adjoining the tract conveyed by Indians to U. S. by treaty proclaimed February 13, 1833 (vol. 7, p. 374); also, right and interest of tribes in certain other lands.—Vol. 7, p. 540.
- 1838, Feb. 21.—Sacs and Foxes of Missouri; right and interest of, in certain lands ceded to U. S.—Vol. 7, p. 543.
- 1843, March 23.—Sacs and Foxes. Cession to U. S. of all lands west of Mississippi River to which tribes have claim or title; lands on Missouri River or some of its waters to be assigned to Indians for a permanent residence; U. S. to grant to Mrs. Eliza M. Street one section of land.—Vol. 7, p. 596.
- 1854, July 17.—Sacs and Foxes of Missouri. Cession to U. S. of strip of land on the south side of the Missouri River assigned to Missouri band of Sacs and Foxes by treaty proclaimed Feb. 15, 1837 (vol. 7, p. 511), saving and reserving fifty sections to be selected in the western part of the cession; reservation may be surveyed and tracts of land assigned to families, &c.; patents may issue hereafter under such restrictions as Congress may prescribe; grant of 160 acres to board of foreign missions; right of way for roads, &c., through reservation.—Vol. 10, p. 1074.
- 1860, July 9.—Sacs and Foxes of the Mississippi. Portion of reservation to be set apart and assigned in severalty to individual members of tribes; certificates to issue for tracts assigned; land to be inalienable except to U. S. or to other members of tribes; to be exempt from taxation, levy, &c., until otherwise provided by Congress; 160 acres to be reserved for support of school; residue of reservation to be sold for benefit of Indians; 320 acres to be assigned to each of the mixed and half bloods, &c., of tribes; to be inalienable except to U. S. or to other members of tribe.—Vol. 15, p. 467.
- 1863, March 26.—Sacs and Foxes of Missouri. Reservation of, ceded to U. S., to be surveyed and sold at auction for benefit of Indians; Iowa Indians cede part of their reservation for permanent home of Missouri band of Sacs and Foxes; grant of quarter-section to Joseph Tesson; certain chiefs to receive patents for quarter-section of land each; George Gomess, member of tribe, to receive patent for 80 acres.—Vol. 12, p. 1171.
- 1866, Oct. 14.—Sacs and Foxes of the Mississippi. Unsold portion of diminished reserve and certain other lands ceded to U. S.; tract of land in the Indian Territory south of Cherokee lands to be provided for tribes as a permanent home; grant of lands to certain persons; patents to issue to certain half-breeds, &c., or their assigns, entitled to selections of land by treaty proclaimed July 9, 1860 (vol. 15, p. 465); schedule annexed; sales hereafter made by persons to whom lands are assigned in this treaty to be approved by Secretary of the Interior in order to convey title; provision for the sale of certain improved lands by chiefs and agent.—Vol. 15, p. 495.

Sac Indians.

- 1789, Sept. 27.—Sac and other tribes. Boundary line formerly fixed, renewed and confirmed; lands ceded to U. S.; U. S. relinquish certain lands to Indians; reservations by U. S. for trading-posts.—Vol. 7, p. 28.
- 1815, Dec. 26.—Sacs on Missouri River assent to treaty of 1804 (vol. 7, p. 84).—Vol. 7, p. 134.
- 1816, Dec. 30.—Sacs of Rock River confirm former treaties.—Vol. 7, p. 141.

Saginaw tribe.

(See CHIPPEWAS.)

Sa-heh-wamish tribe.

(See PUGET SOUND.)

Sah-ku-méhu tribe.

(See WASHINGTON TERRITORY.)

Saint Regis Indians.

1797, Jan. 31.—Cession of lands to State of New York by "Seven nations of Canada;" reservation of tract six miles squares, and also tract one mile square for use of Saint Regis Indians.—Vol. 7, p. 55.

1840, April 4.—Saint Regis and the several tribes of New York Indians relinquish to U. S. lands secured to them at Green Bay, by the Menomonee treaty proclaimed July 9, 1832 (vol. 7, p. 342), with the exception of a certain tract; lands in the Indian Territory to be set apart for Indians for a permanent home; grant of lands at Green Bay to Rev. Eleazer Williams.—Vol. 7, p. 550.

1840, April 4 (supplemental article to preceding treaty).—Saint Regis Indians residing in State of New York, assent to above treaty.—Vol. 7, p. 561.

Sam-ahmish tribe.

(See WASHINGTON TERRITORY.)

Sans Arc band.

(See SIOUX.)

Santee band.

(See SIOUX.)

Santiam bands.

(See CALAPOOIAS.)

Scotons.

1855, April 10.—Cow-nan-ti-co, Sa-cher-i-ton, and Na-al-ye bands of Scotons; Quil-si-eton and Na-hel-ta bands of Chastas; and the Grave Creek band of Umpquas. Cession of lands in Oregon to U. S.; Indians to remove to Table-Rock reserve; survey of reservation and allotment of farms to individuals; patents may hereafter be issued for allotted tracts.—Vol. 10, p. 1122.

Se-ap-cat band.

(See YAKAMAS.)

Seminole Indians.

1834, April 12.—Cession to U. S. of all lands claimed by tribe in Florida; Indians to remove to Indian Territory and become constituent part of Creek nation.—Vol. 7, p. 368.

1834, April 12.—Tract of land in Indian Territory assigned to.—Vol. 7, p. 423.

1845, July 18.—Seminole and Creek Indians. Seminoles may settle in a body or separately in Creek country.—Vol. 9, p. 821.

1856, Aug. 28.—Seminole and Creek Indians. Cession of lands by Creeks to Seminoles; boundaries of Creek country defined; Seminole lands not to be disposed of without consent of both tribes; right of way granted for roads, &c.—Vol. 11, p. 699.

1866, Aug. 16.—Cession to U. S. of lands ceded to Seminoles by Creeks under provisions of preceding treaty; other lands granted by U. S. to Seminoles; lands granted for missionary or educational purposes; right of way for railroad granted through land of Seminoles; strip of land not exceeding three miles in width, on each side of railroad, to be sold to U. S. or railroad company, not to be disposed of except to citizens of Seminole nation.—Vol. 14, p. 755.

Seneca Indians.

1784, Oct. 22.—Boundaries of country of "Six Nations."—Vol. 7, p. 15.

1789, Jan. 9.—Boundaries of country of different tribes of "Six Nations" confirmed; lands west of such country ceded to U. S.; tract at Fort Oswego, six miles square, reserved to U. S.—Vol. 7, p. 33.

Seneca Indians—Continued.

- 1795, Jan. 21.—Boundary of Seneca lands in New York; right to construct road through Seneca country granted to U. S.—Vol. 7, p. 44.
- 1797, Sept. 15.*—Contract entered into under sanction of U. S. between Robert Morris and Seneca nation; certain lands in New York sold to Robert Morris; reservation of certain tracts for Indians.—Vol. 7, p. 601.
- 1803, Jan. 12.—Certain lands in Ontario County, New York, ceded by Indians; other lands provided in lieu thereof.—Vol. 7, p. 70.
- 1803, Feb. 7.—Cession by Indians of certain tract of land in Ontario County, New York, known by the name of Little Beard's reservation.—Vol. 7, p. 72.
- 1819, Jan. 4.—Grant to Indians of 30,000 acres of land on Sandusky River; tract of land of 48 square miles granted to chiefs of Senecas and Shawnees at Lewistown; one section of land granted to William Spicer; U. S. reserve right to construct roads through lands granted and reserved.—Vol. 7, p. 160.
- 1819, Jan. 4.—Grants by preceding treaty to chiefs for the use of their tribes to be considered only as reservations for the use of said Indians; further reservation of 10,000 acres on the Sandusky River for the use of Senecas, and of 8,960 acres at Lewistown for the use of Shawnees and Senecas.—Vol. 7, p. 178.
- 1831, March 24.—Senecas residing on the Sandusky River. Cession to U. S. of tracts reserved for Senecas on the Sandusky River by preceding treaties (vol. 7, p. 160, and vol. 7, p. 178); Indians to receive 67,000 acres of land in the Indian Territory, for which President shall cause patents to issue; ceded lands to be disposed of at public sale to highest bidders; grant of 160 acres of ceded lands to Henry C. Brish; lands in the Indian Territory granted to Senecas not to be disposed of by them except to U. S.—Vol. 7, p. 349.
- 1832, April 6.—Mixed band of Senecas and Shawnees residing at and around Lewistown, Ohio. Lands granted to said bands by preceding treaties (vol. 7, pp. 160 and 178) ceded to U. S.; grant to Indians in fee-simple of 60,000 acres of land in Indian Territory for permanent home; ceded lands to be sold at public sale; lands in Indian Territory not to be disposed of except to U. S.; grants of tracts in ceded territory to James McPherson, Henry McPherson, and Martin Lane.—Vol. 7, p. 351.
- 1833, March 22.—Senecas from Sandusky and mixed band of Senecas and Shawnees to be known as the "United Nation of Senecas and Shawnees." Cession to U. S. of lands on the west side of Neosho or Grand River, in the Indian Territory, granted to said tribes by former treaties; tract on the east side of Grand River to be granted to Indians in lieu of cession; north half of new reservation to be granted by patent to mixed band of Senecas and Shawnees of Ohio, and south half to Senecas from Sandusky; lands not to be disposed of without consent of U. S.—Vol. 7, p. 411.
- 1840, April 4.—Seneca tribe of the "Six Nations of New York" unite with other tribes in relinquishing to U. S. certain lands at Green Bay, secured to them by treaty with Menomonees in the year 1831 (vol. 7, p. 342), with exception of certain tract; other lands, in the Indian Territory, to be set apart for New York Indians residing in the State of New York or in Wisconsin; all right, title, &c., of Senecas to lands in New York State sold to Thomas L. Ogden and Joseph Fellows, assignees of the State of Massachusetts.—Vol. 7, p. 550.
- 1842, Aug. 26.—U. S. consent to stipulations in certain indenture between Senecas and T. L. Ogden and J. Fellows, and agree to modification of tenth article of treaty of April 4, 1840 (vol. 7, p. 550).—Vol. 7, p. 586.
- 1859, March 31.—Tonawanda band of. Claims to lands in the Indian Territory relinquished to U. S.; band may purchase Tonawanda reservation in New York; rate of purchase not to exceed \$20 per acre on an average.—Vol. 11, p. 735.
- 1859, March 31 (supplementary articles to preceding treaty).—Portions of said reservation may be purchased at a rate exceeding \$20 per acre, if approved by President.—Vol. 11, p. 738.
- 1868, Oct. 14.—Senecas in the Indian Territory cede to U. S. a strip of land on north side of their reservation; Mixed Senecas (Senecas confederated with Shawnees) cede to U. S. one-half of Seneca and Shawnee reserve.—Vol. 15, p. 513.

Seven Nations of Canada.

- 1797, Jan. 31.—Cession to State of New York of all title, &c., of Indians to lands in said State; tract of six miles square reserved to Indians of the village of Saint Regis; also, one other tract of one mile square.—Vol. 7, p. 55.

* Date of signing.

Shawnee Indians.

- 1786, Jan. 31.—Right of U. S. to territory ceded by Great Britain acknowledged; boundaries of lands of Shawnees defined; relinquishment to U. S. of all lands east, west, and south of said lands.—Vol. 7, p. 26.
- 1795, Dec. 2.—Shawnee and other nations. Boundary line established; cession to U. S. of lands east and south of Indian lands; particular tracts ceded by Indians; relinquishment of certain lands by U. S.; former treaties void.—Vol. 7, p. 49.
- 1803, Dec. 26.—Shawnee and other nations. Boundaries of certain tract reserved to U. S. by preceding treaty defined; U. S. surrender claims to adjoining lands; Salt Spring, on Saline Creek ceded to U. S.; provision for future alteration of boundary.—Vol. 7, p. 74.
- 1806, April 24.—Shawnee and other nations. Boundary line established; cession of lands to U. S.—Vol. 7, p. 87.
- 1809, March. 3.—Shawnee and other nations. Cession to U. S. of tract of land "for a road, one hundred and twenty feet in width, from the foot of the rapids of the Miami River of Lake Erie to the western line of the Connecticut Reserve, and all the land within one mile of the said road, on each side thereof; * * * also a tract of land for a road only, of one hundred and twenty feet in width, from Lower Sandusky southwardly to boundary line established by treaty of Greenville" (proclaimed December 2, 1795; vol. 7, p. 49).—Vol. 7, p. 112.
- 1814, Dec. 21.—Shawnee and other nations. Boundary lines re-established and confirmed.—Vol. 7, p. 118.
- 1819, Jan. 4.—Shawnee and other nations. Cession of lands to U. S.; grant of certain tracts of land to chiefs of tribes residing at Wapaghkonetta and Hog Creek, for use of Indians; grant of tract of land to chiefs of Shawnees and Senecas residing at Lewistown, Ohio, for use of Indians named in schedule; grant of one section of land on the Great Miami River, below Lewistown, to Nancy Stewart, and one section of land on the east side of the Great Auglaize River to the children of the late Shawnee chief, Captain Logan; U. S. reserve right of way for roads, &c., through lands reserved and granted by this treaty.—Vol. 7, p. 160.
- 1819, Jan. 4.—Shawnee and other nations. Lands granted by preceding treaty to certain chiefs for the use of Indians, to be considered only as reservations for their use; additional reservation for Shawnees at Wapaghkonetta, and for Shawnees and Senecas residing at Lewistown.—Vol. 7, p. 178.
- 1825, Dec. 30.—Cession to U. S. of lands near Cape Girardeau; tract of land fifty miles square west of State of Missouri given by U. S. in exchange for ceded tract; if lands not acceptable to Indians, they may select in lieu an equal quantity on the Kansas River.—Vol. 7, p. 234.
- 1832, April 16.—Mixed band of Senecas and Shawnees, residing at and around Lewistown, Ohio. Lands granted to said bands by preceding treaties (vol. 7, pp. 160 and 178) ceded to U. S., and grant to Indians of sixty thousand acres of land in Indian Territory for permanent home; ceded lands to be sold at public sale; lands in the Indian Territory not to be disposed of except to U. S.; grants of tracts in ceded territory to James McPherson, Henry H. McPherson, and Martin Lane.—Vol. 7, p. 351.
- 1832, April 6.—Shawnee tribe residing at Wapaghkonetta and Hog Creek, in Ohio. Lands granted to tribe by treaties proclaimed Jan. 4, 1819 (vol. 7, pp. 160 and 178), ceded to U. S.; grant of 100,000 acres (within tract fifty miles square granted to Shawnees of Missouri (vol. 7, p. 234), to said tribes, in fee; ceded lands to be sold at public sale; lands granted to Indians not to be disposed of except to U. S.; claim of Francis Duchouquet not to be affected by this treaty; grant of one section of land to Joseph Parks.—Vol. 7, p. 355.
- 1833, Feb. 12.—Shawnee and Delawares, of Cape Girardeau. Cession to U. S. of all lands in Missouri belonging to tribes.—Vol. 7, p. 397.
- 1833, March 22.—Mixed band of Senecas and Shawnees, and Senecas from Sandusky, to be known as the United nation of Senecas and Shawnees. Cession to U. S. of lands on the west side of Neosho or Grand River granted to Indians by former treaty; tract on the east side of Grand River granted to Indians in lieu of lands ceded; north half of new reservation to be conveyed by patent to mixed band of Senecas and Shawnees of Ohio, and south half to Senecas from Sandusky; lands not to be disposed of without consent of U. S.—Vol. 7, p. 411.

* Date of conclusion.

Shawnee Indians—Continued.

1854, Nov. 2.—Cession to U. S. of tract of land in Kansas, 50 miles square, set apart for Shawnees by treaty proclaimed December 30, 1825 (vol. 7, p. 285), subject to the right secured by treaty made at Wapaghkonetta, proclaimed April 6, 1832 (vol. 7, p. 356). U. S. cede to Shawnees 200,000 acres of land, "to be selected between the Missouri State line, and a line parallel thereto, and west of the same, 30 miles distant, which parallel line shall be drawn from the Kansas River to southern boundary line of the country herein ceded"; lands selected to be divided and tracts allotted in severalty to heads of families, &c.; certain lands may be held in common; after selections made, residue of 200,000 acres to be set apart for absent Shawnees; and if unassigned after five years, to be sold; Congress may provide for the issuing of patents to Shawnees making separate selections, with such restrictions as may seem advisable; right of way for roads, &c., through reserved and selected lands; grants to certain missionary societies and churches; special provisions for Joseph Parks and Black Hoof, respecting selections.—Vol. 10, p. 1053.

1868, Oct. 14.—Senecas confederated with Shawnees cede to U. S. one-half of Seneca and Shawnee reserve in the Indian Territory; Shawnees heretofore confederated with Senecas, cede to U. S. portion of their lands in Indian Territory.—Vol. 15, p. 513.

S'Homamish tribe.

(See PUGET SOUND.)

Shoshone-Goship Indians.

1865, Jan. 17.—Boundaries of Goship tribe defined; President may set apart reservation for use of different bands; right of way for railway, &c., through country of Indians.—Vol. 13, p. 681.

Shoshone Indians.

1865, Jan. 17.—Northern band of. Treaty of Fort Bridger assented to; boundary of Pokatello's country.—Vol. 13, p. 663.

1869, Feb. 24.—Eastern band of, and Bannacks. Reservation for; certain persons may select tracts of land for farming; selections to be recorded in "land book" and certificates to issue to allottees; no treaty for cession of any portion of reservation to be valid unless executed by majority of adult male Indians occupying or interested in the same.—Vol. 15, p. 673.

1869, June 7.—Eastern bands of. Boundaries of country of, defined; right of way &c., for railway through country of Indians.—Vol. 18, p. 685.

1874, Dec. 15.*—Eastern bands of. Agreement of Sept. 26, 1872, confirmed; cession of southern part of reservation to U. S.; southern boundary of diminished reserve to be surveyed and marked.—Vol. 18, p. 291.

1869, Oct. 21.—Western bands of. Boundaries of country of, defined; Indian country may be explored and prospected for gold and silver, &c.—Vol. 18, p. 689.

Shyiks band.

(See YAKAMAS.)

Sioux Indians.

1816, Dec. 30.—"Sioux of the Leaf," "Sioux of the Broad Leaf," and "Sioux who shoot in the Pine Tops." Cessions of land heretofore made to British, French, or Spanish governments, confirmed to U. S.—Vol. 7, p. 143.

1826, Feb. 6.—Sioux and other tribes. Boundary lines between countries of different tribes defined.—Vol. 7, p. 272.

1831, Feb. 24.—Medawakanton, Wahpakoota, Wahpeton, and Sisseton bands of. Cession of lands to U. S.; ceded lands to be allotted to certain other tribes; tract of land twenty miles in width, from the Mississippi to the Des Moines River, ceded to the U. S.; Yankton and Santee bands to be considered as parties to this treaty; reservation for Sioux half-breeds; President may hereafter assign portion of said reservation, not to exceed one section, to be held in fee-simple by half-breeds.—Vol. 7, p. 328.

1837, Feb. 15.—Sioux of Wa-ha-shaw's tribe cede to U. S. "their right, title, &c., to lands lying between the State of Missouri and the Missouri River."—Vol. 7, p. 510.

1837, Feb. 15.—Yankton and Santee bands cede to U. S. "all their right, title, &c., to lands lying between the State of Missouri and the Missouri River."—Vol. 7, p. 524.

* Date of approval.

Sioux Indians—Continued.

- 1837, Feb. 18.—Wahpakoota, Sisseton, and Upper Mendawakanton tribes. Cession to U. S. of "all their right, title, &c., to lands lying between the State of Missouri and the Missouri River."—Vol. 7, p. 527.
- 1838, Feb. 21.—Yankton tribe cede to U. S. all right, &c., in land ceded by treaty proclaimed Feb. 24, 1831 (vol. 7, p. 328).—Vol. 7, p. 542.
- 1838, June 15.—Certain chiefs and braves of, "cede to U. S. all their land east of the Mississippi River, and all their islands in the said river."—Vol. 7, p. 538.
- 1851, Sept. 17.*—Fort Laramie, treaty of. This treaty was never ratified, but is sometimes referred to in other treaties and in appropriation acts. (See **FORT LARAMIE**.)
- 1853, Feb. 24.—Sisseton and Wahpeton bands. Cession to U. S. of all lands of said bands lying in the State of Iowa, and certain lands in the Territory of Minnesota; President authorized to set apart certain tracts of land without the limits of cession made by this treaty, for future home of bands.—Vol. 10, p. 949.
- 1853, Feb. 24.—Mendawakanton and Wahpakoota bands. Cession to U. S. of all lands of said bands in Territory of Minnesota and State of Iowa; President authorized to set apart lands without the limits of cession made by this treaty, for future home of bands.—Vol. 10, p. 954.
- 1859, Feb. 26.—Yankton tribe. Cession of lands to U. S.; reservations in Dakota for Indians; grants to certain persons; settlers within ceded country may enter 160 acres each, at \$1.25 per acre; Secretary of Interior may have reserved tract surveyed and separate farms assigned to heads of families, &c.; no portion of reservation to be disposed of except to U. S.—Vol. 11, p. 743.
- 1859, March 31.—Mendawakanton and Wahpakoota tribes. Reservation set apart for Indians; to be surveyed and allotted in severalty to heads of families, &c.; residue of reservation to be held in common; President may in future cause patents to issue to allottees; tracts to be exempt from levy, &c., until otherwise provided by legislature of State, with assent of Congress; not to be disposed of except to U. S., or to other members of bands; question of title of the bands to certain lands to be submitted to the Senate.—Vol. 12, p. 1031.
- 1859, March 31.—Sisseton and Wahpeton bands. Reservation set apart for bands; to be surveyed and allotted in severalty to heads of families, &c.; residue of reservation to be held in common; President may cause patents to issue to allottees; lands to be exempt from levy, &c., until otherwise provided by legislature of State, with assent of Congress; not to be disposed of except to U. S., or to other members of bands; question of title of bands to certain lands to be submitted to the Senate.—Vol. 12, p. 1037.
- 1860, June 27.—Resolution of Senate of U. S.; questions as to right, &c., of Indians to certain lands under the two preceding treaties, determined in their favor; settlers in good faith on said lands to have right of pre-emption to 160 acres; assent of Indians necessary where settlements made on lands of Indians south of Minnesota River.—Vol. 12, p. 1042.
- 1866, March 17.—Lower Brulé band. Reservation assigned to; U. S. reserve right to construct roads through reservation.—Vol. 14, p. 699.
- 1867, May 2.—Sisseton and Wahpeton bands. Cession to U. S. of right to construct railroads, &c., over and across lands claimed by said bands; permanent reservation set apart for bands; reservation for Cuthead band of Yanktonais Sioux; said reservations to be apportioned in tracts to heads of families, &c.; allottees occupying and cultivating portion of their tracts for five consecutive years shall be entitled to receive patent for same; patents not to authorize transfer of lands except to U. S.—Vol. 15, p. 505.
- 1872, Sept. 20.†—Sisseton and Wahpeton bands. Agreement with; cession to U. S. of lands described in article 2 of preceding treaty, as well as all lands in Dakota to which they have title or interest, except reservations set apart for bands by articles 3 and 4 of same treaty. (This agreement, except paragraphs 3 to 9, inclusive, was confirmed by act of Feb. 14, 1873, vol. 17, p. 456. It is not printed in the Statutes at Large, but may be found on pages 1051-1053 of "Revision of Indian Treaties." See, also, act of June 22, 1874, vol. 18, p. 167.)

* Date of conclusion.

† Date of execution.

Sioux Indians—Continued.

1869, Feb. 24.—Different tribes of: Brulé, Blackfeet, Cutheads, Minneconjon, Ogallalah, Santee, Sans Arc, Two Kettle, Uncpapa, and Yanktonais bands. Country in Dakota Territory set apart for reservation; heads of families and others may select tracts of land for farming; selections to be recorded in "land book," and certificate to issue to allottee; certain Indians may receive patents for one hundred and sixty acres of land, and become citizens of U. S.; Indians surrender right to occupy territory outside of reservation; no treaty for cession of reservation to be valid unless executed and signed by at least three-fourths of adult male Indians occupying or interested in the same; country north of the North Platte River and east of the summits of the Big Horn Mountains to be considered as unceded Indian Territory.—Vol. 15, p. 635.

Sisseton band.

(See SIOUX.)

Six Nations, and Six Nations of New York.

1784, Oct. 2.—Senecas, Mohawks, Onondagas, Cayugas, Oneidas, and Tuscaroras. Boundaries of country of.—Vol. 7, p. 15.

1789, Jan. 9.—Old boundary lines confirmed; lands west of said line ceded to U. S.; U. S. confirm to Indians lands inhabited by them, excepting six miles square around Fort Oswego.—Vol. 7, p. 33.

1795, Jan. 21.—U. S. acknowledge right of Oneidas, Onondagas, and Cayugas, to lands reserved to them by treaties with State of New York; boundary line of Seneca lands defined; Six Nations never to claim other lands in the U. S.; Senecas grant to U. S. right to construct and use a wagon road through their lands.—Vol. 7, pp. 44-46.

1833, March 13.—Stockbridge, Munsee, and Brothertown tribes, Six Nations, and Saint Regis tribe. Acceptance on the part of Indians of certain cessions of land by Menomonee nation in Michigan Territory by treaty concluded October 27, 1832 (vol. 7, p. 405).—Vol. 7, p. 409.

1840, April 4.—Senecas, Onondagas, Cayugas, Tuscaroras, Oneidas, St. Regis, Stockbridges, Munsees, and Brothertowns. Several tribes of New York Indians relinquish to U. S. lands at Green Bay, secured to them by Menomonee treaty proclaimed July 9, 1832 (vol. 7, p. 342), except certain tract; lands in Indian Territory set apart for Indians for a permanent home; lands may be divided in severalty, with right to sell and convey to and from each other; location of lands of Oneidas; patent to issue for tract of land to Rev. Eleazor Williams of the St. Regis tribe; location of lands set apart for Senecas, Cayugas, and Onondagas; special provisions for Oneidas residing in State of New York; location of lands of Tuscaroras; Tuscaroras convey to U. S. 5,000 acres of land in Niagara County, New York; U. S. assent to sale of lands by Tuscaroras and Senecas to T. L. Ogden and J. Fellows, assignees of State of Massachusetts.—Vol. 7, p. 550.

1840, April 4 (supplemental article to treaty).—St. Regis Indians assent to preceding treaty.—Vol. 7, p. 561. (See, also, MUNSEES, ONEIDAS, SAINT REGIS, SENECAS, and STOCKBRIDGES.)

Skagit tribe.

(See WASHINGTON TERRITORY.)

Skai-wha-mish tribe.

(See WASHINGTON TERRITORY.)

Skin-pah band.

(See YAKAMAS.)

S'Klallams Indians.

1859, April 29.—Kah-tai, Squah-quaihtl, Tch-queen, Ste-tehtlum, Tsohkw, Yen-nis, El-hwa, Pishtat, Hun-nint, Klat-la-wash, and Oke-ho villages of S'Klallams, and also the Sko-ko-mish, To-an-hooch, and Chem-a-kum tribes, in Washington Territory. Cession of lands to U. S.; six sections at the head of Hood's Canal to be set apart for reservation; reservation may be surveyed into lots and assigned to individuals or families for a permanent home, on the same terms and subject to the same regulations as provided in sixth article of treaty with Omahas (vol. 10, p. 1044), so far as the same may be applicable.—Vol. 12, p. 933.

Sko-ko-mish village.

(See S'KLALLAMS.)

Skope-ahmish tribe.

(See WASHINGTON TERRITORY.)

Sk-táh-le-jum tribe.

(See WASHINGTON TERRITORY.)

Sk-táhl-mish tribe.

(See WASHINGTON TERRITORY.)

Smalh-kamish tribe.

(See WASHINGTON TERRITORY.)

Snakes.

1866, July 10.—Woll-pah-pe tribe of. Cession of lands to U. S.; Indians to remove to reservation set apart for other tribes of Snake Indians by treaty proclaimed February 17, 1870 (vol. 16, p. 707); President may have lands allotted in severalty, and tracts set apart for each family of tribe.—Vol. 14, p. 683.

1870, Feb. 17.—Yahooskin band of, and Klamath and Moadoc tribes. Cession of lands to U. S.; reservation for Indians; right of way for railroads, &c., across reservation granted; reservation may be surveyed into tracts and assigned to heads of families and others; tracts not to be alienated, and to be exempt from levy, sale, or forfeiture; Congress hereafter may abolish restrictions upon alienation.—Vol. 16, p. 707.

Sne-ho-mish tribe.

(See WASHINGTON TERRITORY.)

Snoqualmoo tribe.

(See WASHINGTON TERRITORY.)

Squah-quaihtl village.

(See S'KLALLAMS.)

Squawksin tribe.

(See PUGET SOUND.)

Squi-aitl tribe.

(See PUGET SOUND.)

Squin-áh-mish tribe.

(See WASHINGTON TERRITORY.)

Steh-chass tribe.

(See PUGET SOUND.)

Steilacoom tribe.

(See PUGET SOUND.)

Ste-tehtlum village.

(See S'KLALLAMS.)

St-káh-mish tribe.

(See WASHINGTON TERRITORY.)

Stockbridge Indians.

1832, July 9.—Stockbridges and Munsees. (Treaty with Menomonee Indians.) The Senate, in ratifying this treaty, provided that "two townships of land on the east side of the Winnebago Lake, equal to forty-six thousand and eighty acres, shall be laid off . . . for the use of the Stockbridge and Munsee tribes," those tribes relinquishing their lands on the east side of the Fox River.—Vol. 7, p. 342.

1833, March 13.—Stockbridges, Munsees, and other New York Indians. (Treaty with Menomonees.) Menomonees do not assent to certain provisions in resolutions of Senate, ratifying preceding treaty, respecting cessions of land for benefit of New York Indians; Senate provisions modified.—Vol. 7, p. 405.

1833, March 13 (appendix).—New York Indians accept modifications proposed by Menomonees.—Vol. 7, p. 409.

1840, April 4.—Vol. 7, p. 550. (See SIX NATIONS.)

Stockbridge Indians—Continued.

1840, May 16.—Stockbridges and Munsees. Cession to U. S. of east half of tract of forty-six thousand and eighty acres, laid off for their use by treaty with Menomonies, proclaimed March 13, 1833 (vol. 7, p. 405).—Vol. 7, p. 580.

1849, March 1*—Tribe renounces all participation in benefits of the act of March 3, 1843, "for the relief of Stockbridge tribe of Indians in the Territory of Wisconsin," (vol. 5, p. 645); sale to U. S. of township of land on east side of Lake Winnebago granted to tribe by treaty with Menomonies, (vol. 7, p. 342); townships to be surveyed into lots, and such as were allotted to members of tribe under act of March 3, 1843, confirmed to them, and patents to issue; residue of township to be brought into market; schedules of individuals to whom allotments of land are confirmed.—Vol. 9, p. 555.

1849, March 1* (supplemental articles to preceding treaty).—Stockbridge and Munsees relinquish to U. S. claims for indemnity for certain lands in Indiana and Wisconsin; President to procure for use of Stockbridge Indians a quantity of land west of Mississippi River, not less than 72 sections, to be held by same tenure as other Indian lands.—Vol. 9, p. 964.

1856, Sept. 8.—Stockbridges and Munsees. Cession to U. S. of all remaining right and title of Indians in the lands at the town of Stockbridge, Wisconsin, and the 72 sections of land in Minnesota set aside for them, pursuant to amendment of treaty ratified March 1, 1849 (vol. 9, p. 955); tract of land in Wisconsin, near southern boundary of Menomonee reservation to be given to Indians; said tract to be surveyed and allotments made to individuals and families; certificates (not assignable) to issue to allottees securing possession and ultimate title to lands; after expiration of ten years President may direct restriction on power of sale to be withdrawn and patents to issue to holders of certificates; certain tract granted to supervisors of town of Stockbridge to be used as a cemetery; right of way for roads, &c., through lands of Indians; sales of allotments under act of March 3, 1843 (vol. 5, p. 645), may be examined into and set aside or confirmed; certain lots of land, the equitable title to which has not passed by valid sales from Indians, and certain other lots retroceded to U. S. by treaty ratified March 1, 1849 (vol. 9, p. 955), to be sold at certain fixed prices; actual settlers upon such lots to have right of pre-emption; certain persons named in schedule to have patents in fee for lots in town of Stockbridge upon separating from Stockbridge tribe.—Vol. 11, p. 663.

Stoluck-whá-mish tribe.

(See WASHINGTON TERRITORY.)

Suquámish tribe.

(See WASHINGTON TERRITORY.)

Swan Creek band.

(See CHIPPEWAS.)

Swin-á-mish tribe.

(See WASHINGTON TERRITORY.)

Tabeguache band.

(See UTES.)

Ta-ih, or Upper de Chutes band.

(See WALLA-WALLAS.)

Tamerois band.

(See ILLINOIS INDIANS.)

Tappahs, Pawnee.

(See PAWNEES.)

Tch-queen village.

(See S'KLALLAMS.)

Tekopa band.

(See CALAPOOIAS.)

Tenino band.

(See WALLA-WALLAS.)

Thorntown party.

(See MIAMI.)

Tonawanda band.

(See SENECA.)

Too-an-hooch tribe.

(See S'KLALLAMS.)

T'Peeksin tribe.

1855, April 10.—T'Peeksin, Nisqually, Puyallup, Steilacoom, Squawksin, S'Homamish, Steh-chass, Squi-aitl, and Sa-heh-wamish tribes and bands, occupying lands around the head of Puget's Sound and adjacent inlets. Cession of lands to U. S.; reservation for Indians; right of way for roads, &c.; Indians may be removed to other lands; reservation may be surveyed into lots and assigned to individuals, &c., on same terms and subject to same regulations as provided in 6th article of treaty with the Omahas (vol. 10, p. 1044), so far as the same may be applicable.—Vol. 10, p. 1132.

Tsohkw.

(See S'KLALLAMS.)

Tualatin band.

(See CALAPOOIAS.)

Tum-water or Twin-water bands

(See WILLAMETTE INDIANS.)

Turkey and Turtle bands.

(See DELAWARES.)

Tuscaroras.

(See SIX NATIONS.)

Two-Kettle and.

(See SIOUX.)

Uintah band.

(See UTES.)

Umatillas.

1859, April 11.—Confederated Walla-Walla, Cayuses, and Umatilla tribes. Cession of lands to U. S.; reservation set apart for Indians; reservation may be surveyed into lots and assigned to individual Indians; President may cause patents to issue to allottees, with restrictions upon alienation; tracts to be exempt from levy, &c.; legislature of State with consent of Congress may remove restrictions; if allottee refuses to occupy or cultivate tract President may cancel assignment if patent has been issued; right of way for roads reserved through lands of Indians.—Vol. 12, p. 945.

Umpquas.

1855, Feb. 5.—Cow Creek band of. Certain lands in Oregon Territory ceded to U. S.; temporary reservation for Indians.—Vol. 10, p. 1027.

1855, March 30.—Confederated band of, and Calapooias residing in Umpqua Valley. Cession of lands to U. S.; reservation for Indians; if expedient, Indians may be removed from reservation; President may cause reservation to be surveyed into lots, and assign tracts to families, &c.; patents may be issued to allottees, with restriction upon alienation, and tracts to be exempt from levy, &c.; legislature may remove restrictions with consent of Congress; if family refuses to occupy or till lands assigned, President may cancel assignment or revoke patents, if issued, &c.; roads may be run through reservation.—Vol. 10, p. 1125.

1855, April 10.—Grave Creek band of Umpquas, Quil-si-eton, and Na-hel-ta bands of Chaasta tribe, and the Cow-nan-ti-co, Sa-cher-i-ton, and Na-al-ye bands of Scotons. Cession of lands to U. S.; united bands to remove to Table Rock reserve; agricultural lands of reservation may be surveyed and farms allotted to Indians; patents may hereafter issue to allottees.—Vol. 10, p. 1122.

Unckpapa band.

(See SIOUX.)

Upper de Chutes or Ta-ih band.

(See WALLA-WALLAS.)

Upper Mendawakanton band.

(See SIOUX.)

Upper Pend d'Oreille tribe.

(See FLATHEADS.)

Ute Indians.

1864, Dec. 14.—Tabeguache band of Utahs. Cession of lands to U. S.; boundary of country of defined.—Vol. 13, p. 673.

1868, Nov. 6.—Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of. Certain provisions of former treaty with Tabeguache band of Utahs (vol. 13, p. 673) reaffirmed and declared applicable to bands who are parties to this treaty; lands in Colorado Territory set apart for reservation; claims to all other lands released by Indians; Indians may select tracts of land for farming; selections to be recorded in "land book," and certificates to issue therefor; treaty for cession of any portion of reservation to be invalid unless executed and signed by at least three-fourths of all adult male Indians occupying or interested in the same.—Vol. 15, p. 619.

1874, April 29.*—Act ratifying agreement with Ute Indians entered into on September 13, 1873; lands relinquished to U. S.—Vol. 18, p. 36.

1880, June 15.*—Agreement with confederated bands of Utes ratified; lands in Colorado ceded to U. S. (see act No. 2192a, p. 966).—Vol. 21, p. 199.

Vieux de Sert band.

(See CHIPPEWAS.)

Wah-lal-la band.

(See CALAPOOIAS.)

Wahpakoota band.

(See SIOUX.)

Wahpeton band.

(See SIOUX.)

Walla-Wallas.

1859, April 11.—Walla-Walla, Cayuses, and Umatilla tribes and bands in Washington and Oregon. Cession of lands to U. S.; reservation for Indians; reservation may be surveyed and tracts assigned to individuals, &c.; patents may issue to allottees, with restrictions upon power of alienation; tracts to be exempt from levy, &c.; legislature of State may, with consent of Congress, remove restriction; if person or family refuse to occupy or cultivate land, President may, if patent shall have been issued, cancel assignment; right of way reserved for roads through reservation.—Vol. 12, p. 945.

1859, April 18.—Ta-ih or Upper de Chutes, Wyam or Lower de Chutes, Tenino, and Dock-spus or John Day's River bands of Walla-Wallas; and Dalles, Ki-gal-twal-la, and Dog River bands of Wascoes. Cession of lands to U. S.; reservation for Indians; reservation may be surveyed into lots and assigned to families, &c.; patents may be issued to allottees, conditioned that tract shall not be alienated, and to be exempt from levy, &c., but legislature of State, with consent of Congress, may remove the restrictions; if allottees refuse to occupy or cultivate lands, President may, if patent shall have been issued, revoke the same, and if not issued, cancel assignment; right of way reserved for roads through reservation.—Vol. 12, p. 963.

Wascoes.

1859, April 18.—Dalles, Ki-gal-twal-la, and Dog River bands of Wascoes; and Ta-ih or Upper de Chutes, Wyam or Lower de Chutes, Tenino, and Dock-spus or John Day's River bands of Walla-Wallas, residing in Middle Oregon; cession of lands to U. S.; reservation may be surveyed into lots and assigned to families, &c.; patents may be issued to allottees, conditioned that tract shall not be alienated, and to be exempt from levy, &c.; but legislature of State, with consent of Congress, may remove the restrictions; if allottees refuse to occupy or cultivate lands, President may, if patent shall have been issued, revoke the same, and if not issued, cancel assignment; right of way reserved for roads through reservation.—Vol. 12, p. 963.

* Date of approval.

Washington Territory; allied tribes in.

1859, April 11.—Dwámish, Snquámish, Sk-táhl-mish, Sam-áhmish, Smalh-kahmish, Skope-áhmish, St-kásh-mish, Snoquálmoo, Skai-wha-mish, N'Quentl-má-mish, Sk-táh-le-jam, Stoluck-whá-mish, Sno-ho-mish, Ská-git, Kik-i-állas, Swin-á-mish, Sah-ku-méhu, Nook-whá-há, Nook-wa-cháh-mish, Me-see-qua-guloh, Chobah-áh-bish, and other allied and subordinate tribes and bands in Washington Territory. Cession of lands to U. S.; tracts set apart for reservation; 36 sections reserved out of lands ceded for agricultural school; President may cause reservation to be surveyed into lots, and assign the same for permanent home to families and individuals, on the same terms and subject to the same regulations as are provided in sixth article of treaty with Omahas (vol. 10, p. 1044), so far as the same may be applicable.—Vol. 12, p. 927.

Weas.

1795, Dec. 2.—Weas and other tribes. Boundary line of Indian country established. cession of lands to U. S.; particular tracts ceded by Indians; certain lands relinquished by U. S.; former treaties declared void.—Vol. 7, p. 49.

1803, Dec. 26.—Weas and other nations. Boundaries of tract reserved to U. S. by former treaty defined; U. S. relinquish claim to adjoining lands; certain salt spring on Saline Creek ceded to U. S.; provision for future alteration of boundary.—Vol. 7, p. 74.

1806, April 24.—Weas and other tribes. Cession of lands to U. S.; Miamies, Eel Rivers, and Weas to be considered as joint owners of country on the Wabash and its waters, above the Vincennes tract; right of Delawares to sell certain lands to U. S. acknowledged.—Vol. 7, p. 91.

1810, Jan. 25.—Consent of, to cession of certain lands to U. S. by treaty with Miamies, &c. (vol. 7, p. 113).—Vol. 7, p. 116.

1816, Dec. 30.—Weas and Kickapoos. Boundary lines confirmed.—Vol. 7, p. 145.

1819, Jan. 7.—All lands claimed and owned by, in States of Indiana, Ohio, and Illinois, ceded to U. S.; certain tract reserved for Indians; grant of one section each to Christmas Dageny and Mary Shields; lands not to be disposed of except with consent of U. S.; accede to cession of land to U. S. by Kickapoos by treaty proclaimed March 8, 1810 (vol. 7, p. 117).—Vol. 7, p. 186.

1821, Jan. 8.—Cession to U. S. of all lands reserved by second article of treaty proclaimed Jan. 7, 1819 (vol. 7, p. 186).—Vol. 7, p. 209.

1833, Feb. 12.—Weas and Piankeshaws. Cession to U. S. of all right, title, &c. to lands in States of Missouri and Illinois; U. S. cede to said tribes for their permanent residence 250 sections of land "west of the State of Missouri."—Vol. 7, page 410.

1854, Aug. 10.—U. S. assent to the union of Kaskaskias, Peorias, Piankeshaws, and Wea Indians; lands granted to Indians by treaties proclaimed Feb. 12, 1833 (vol. 7, pp. 403 and 410); ceded to U. S., "reserving therefrom a quantity of land equal to 160 acres for each soul in said united tribe, according to a schedule attached, * * * and ten sections additional to be held in common;" provisions for selections of tracts by individuals and heads of families; patents may issue for lands selected, subject to such restrictions respecting alienation, &c., as President or Congress may prescribe; residue of lands to be sold for benefit of Indians; grant of one section to American Indian Mission Association; right of way for roads, &c., through lands of Indians; persons and families omitted from schedule shall make their selections from ten sections reserved in common; residue of said ten sections may be sold.—Vol. 10, p. 1082.

1868, Oct. 14.—Weas, Peorias, Kaskaskias, and Piankeshaws, confederated tribes of. Purchasers of nine and one-half sections of land (remainder of lands reserved to Indians in common by preceding treaty) to receive patents from U. S.; certain lands in Indian Territory, purchased from Senecas and Qnapaws by U. S., sold to confederated tribes; restrictions upon alienation of lands of Indians reserved by preceding treaty removed; Miami Indians to be confederated with Weas, &c., upon their reservation in the Indian Territory.—Vol. 15, p. 513.

Weeminuche band.

(See UTES.)

Wenatshapam tribe.

(See YAKAMAS.)

Willamette Indians.

1855, April 10.—Confederated bands residing in the Willamette Valley: (Tualatin band of Calapooias; Yam Hill band; Che-luk-i-ma-uke band; Chep-eu-a-pho, or Marysville band; Chemapho, or Muddy band; Che-lam-e-la, or Long Tom band; all of the Calapooias; Mo-lal-la band of Molallas; Calapooia band of Calapooias; Winnefelly and Mohawk bands; Tekopa band; Chafan band of the Calapooia tribe; Wah-lal-la band of Tum-waters; Clack-a-mas tribe; Clow-we-wal-la or Willamette Tum-water band; and the Santiam bands of Calapooias). Cession to U. S. of certain lands; reservation to be provided for Indians; reservation to be surveyed into lots and assigned to families and single persons; President may at any time issue patents for tracts assigned, conditioned that tract shall not be alienated; tracts to be exempt from levy, &c., but legislature of State may remove restrictions with consent of Congress; families refusing to occupy or cultivate their tracts may have patent revoked by President, or assignment canceled; right of way for roads, &c.—Vol. 10, p. 1143.

Winnebagoes.

1816, Dec. 30.—Winnebagoes residing on Wisconsin River. Cessions of land heretofore made to British, French, or Spanish Governments confirmed to U. S.—Vol. 7, p. 144.

1826, Feb. 6.—Winnebago and other tribes. Boundary line of country of, defined.—Vol. 7, p. 272.

1829, Feb. 23.—Winnebago and other tribes. President to establish boundaries between Winnebagoes, &c., and New York Indians.—Vol. 7, p. 303.

• 1829, Jan. 7.—Provisional boundary established between lands of U. S. and those of Indians.—Vol. 7, p. 315.

1830, Jan. 2.—Cession of lands to U. S.; U. S. to grant certain lands to descendants of Indians; lands not to be sold without permission of President.—Vol. 7, p. 323.

1833, Feb. 13.—Cession of lands to U. S.; tract of land west of Mississippi River granted to Indians. Tracts in ceded country to be granted by U. S. to certain mixed bloods.—Vol. 7, p. 370.

1838, June 15.—Cession to U. S. by Winnebagoes of all their lands east of Mississippi River.—Vol. 7, p. 545.

1847, Feb. 4.—Cession to U. S. by Winnebagoes of all their lands within the States and Territories, and especially of tract assigned to them by second article of treaty (vol. 7, p. 371) proclaimed February 13, 1833; U. S. agree to purchase and give to Indians a tract of country north of Saint Peter's and west of the Mississippi River of not less than 800,000 acres.—Vol. 9, p. 873.

1855, March 23.—Cession to U. S. of tract of land granted to Indians by treaty proclaimed February 4, 1847 (vol. 9, p. 878); tract of land equal to eighteen miles square on the Blue Earth River, Minnesota Territory, to be granted to Indians for permanent home; President may have lands surveyed and tracts assigned to families and single persons, and patents may be issued; lands to be exempt from levy, &c., until otherwise provided by legislature of State, with assent of Congress; nor shall lands be sold or alienated within fifteen years after date of patents, and not then without assent of President; certain settlers on ceded lands to have right of pre-emption; grant of 80 acres to mixed bloods who are heads of families; right of way for roads, &c., through Indian country.—Vol. 10, p. 1172.

1861, March 23.—Eastern portion of reservation of, to be set apart and assigned in severalty to heads of families, &c.; certificates to be issued by Commissioner of Indian Affairs for tracts assigned; lands not to be disposed of except to U. S. or to other members of tribe; residue of reservation to be sold in tracts to highest bidders.—Vol. 12, p. 1101.

1866, March 28.—Cession to U. S. of reservation in Dakota Territory, at Usher's Landing, on the Missouri River; tract of land in Nebraska Territory (ceded by Omahas by treaty proclaimed February 15, 1866, vol. 14, p. 607), set apart for future home of Indians.—Vol. 14, p. 671.

Winnefelly band.

(See CALAPOOIAS.)

Wish-ham tribe.

(See YAKAMAS.)

Wolf band.

(See DELAWARES.)

Woll-pah-pe tribe

(See SNAKES.)

Wyam or Lower de Chutes band.

(See WALLA-WALLAS.)

Wyandots.

1785, Jan. 21.—Wyandot and other nations. Boundary line of country of; reservations for trading-posts; Indians recognize title of U. S. to certain lands.—Vol. 7, p. 16.

1789, Sept. 27.—Former boundary line renewed and confirmed; lands ceded to U. S.; reservations by U. S. for trading-posts; Wyandots lay claim to certain lands possessed by Shawnees, also, "to all the country west of the Miami boundary from the village to the Lake Erie."—Vol. 7, p. 28.

1795, Dec. 2.—Wyandot and other nations. Establishment of boundary lines; cession of lands to U. S.; particular tracts ceded to U. S.; relinquishment of certain lands by U. S.; former treaties declared void.—Vol. 7, p. 49.

1803, Dec. 23.—Wyandot and other nations. Right given to U. S. of locating certain land.—Vol. 7, p. 77.

1806, April 24.—Wyandot and other nations. Boundary line established; cession of lands to U. S.—Vol. 7, p. 87.

1808, Jan. 27.—Wyandot and other nations. Cession of lands to U. S.; certain tracts set apart for reservations for Indians.—Vol. 7, p. 105.

1809, March 3.—Wyandot and other Indians. Cession to U. S. of "tract of land for a road, of 120 feet in width, from the foot of the rapids of the river Miami of Lake Erie, to the western line of the Connecticut Reserve, and all the land within one mile of the said road, on each side thereof, for the purpose of establishing settlements along the same; also, a tract of land, for a road only, of 120 feet in width, to run southwardly from what is called Lower Sandusky, to the boundary line established by the treaty of Greenville."—Vol. 7, p. 112.

1814, Dec. 21.—Wyandot and other nations. Boundaries re-established and confirmed.—Vol. 7, p. 118.

1819, Jan. 4.—Wyandot and other tribes. Cession of lands to U. S.; tracts of land granted in fee to certain chiefs for use of Indians; grants of land in fee to certain individuals; U. S. reserve right of way for roads through lands reserved or granted by this treaty.—Vol. 7, p. 160.

1819, Jan. 4 (supplementary to preceding treaty).—Grants in former treaty to certain chiefs for the use of Indians to be considered as reservations only; additional reservations for use of Wyandots: 55,680 acres at Upper Sandusky to be laid off in two tracts; 16,000 acres on the head of Blanchard's Fork, for the use of Wyandots residing at Solomon's town and on Blanchard's Fork, and 160 acres for the use of Wyandots on the west side of Sandusky River.—Vol. 7, p. 178.

1819, Jan. 7.—Two tracts of land in Michigan Territory, reserved for Wyandots agreeably to provisions of act of Feb. 28, 1809 (vol. 2, p. 527), ceded to U. S.; reservation for the use of Wyandots set apart south of the river Huron, in Michigan Territory.—Vol. 7, p. 180.

1832, April 6.—Wyandots residing at the Big Spring, Crawford County, Ohio. Sixteen thousand acres of land reserved to Indians residing at Solomon's town and Blanchard's Fork by former treaty (vol. 7, p. 178), ceded to U. S.; ceded lands to be sold for benefit of Indians; one half-section reserved for Roe-nu-nas, chief of said band; Indians to remove to Canada; or to reservation on Huron River, in Michigan Territory.—Vol. 7, p. 364.

1836, May 16.—Cession to U. S. of certain tracts of land in Crawford County, Ohio, reserved to Indians by former treaty (vol. 7, p. 160); ceded lands to be surveyed and sold; register and receiver to be appointed for that purpose.—Vol. 7, p. 502.

1842, Oct. 5.—Remaining lands of, in States of Michigan and Ohio, ceded to U. S. Grant to Indians of tract of land west of Mississippi River, to contain 148,000 acres; certain tract to be sold for benefit of heirs of Horon, chief of Wyandots; grant of lands west of Missouri River to certain persons; not to be disposed of without permission of President; reservation of two acres near Upper Sandusky for purpose of cemetery and house of worship.—Vol. 11, p. 581.

1843, Dec. 14.†—Agreement with Delawares for purchase of certain lands; confirmed by act of Congress approved July 25, 1848.—Vol. 9, p. 337.

* Date of conclusion.

† Date of execution.

Wyandots—Continued.

1850, Sept. 30.—Relinquishment to U. S. of claim to 148,000 acres of land agreed to be assigned to Wyandots by treaty proclaimed Oct. 5, 1842 (vol. 7, p. 607).—Vol. 9, p. 967.

1855, March 1.—Tribal organization to be terminated and Indians to become citizens; cession to U. S. of lands purchased from Delawares; lands to be subdivided, assigned, and reconveyed by patent in fee-simple to individuals of Wyandot nation in severalty; grant of tracts for church purposes; grants to "competents" to be absolute and unconditional; patents to "incompetents" to contain express condition that lands are not to be alienated for period of five years (and not then without express consent of President), and to be exempt from levy, &c., until otherwise provided by State legislature with the assent of Congress; grantees under treaty of 1842 (vol. 7, p. 607), to be permitted to locate on any lands west of Missouri and Iowa subject to pre-emption and settlement.—Vol. 10, p. 1159.

1868, Oct. 14.—Lands in Indian Territory ceded by Senecas granted to certain Wyandots, to be held by them in common; restrictions upon sale of lands assigned and patented to "incompetents" under 4th article of treaty of 1855 (vol. 10, p. 1159) to be removed; Secretary of Interior shall have examination made of certain sales of lands assigned to orphans or "incompetents," and confirm or declare void the same.—Vol. 15, p. 513.

Yahooskin band.

(See SNAKES.)

Yakamas.

1859, April 18.—Confederated tribes and bands of Yakama, Palouse, Pishonuse, Wenatchapam, Klikitat, Klinkit, Kow-was-say-ee, Li-ay-was, Skin-pah, Wish-ham, Shyiks, Oche-chotes, Kah-milt-pah, and Se-ap-cat Indians, occupying lands in Washington Territory. Cession of lands to U. S.; reservation for Indians; President may have reservation surveyed into lots and assign the same to families or individuals, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas (vol. 10, p. 1044), so far as the same may be applicable; roads may be run through reservation, &c.—Vol. 12, p. 951.

Yam Hill band.

(See WILLAMETTES.)

Yampa band.

(See UTES.)

Yankton band.

(See SIOUX.)

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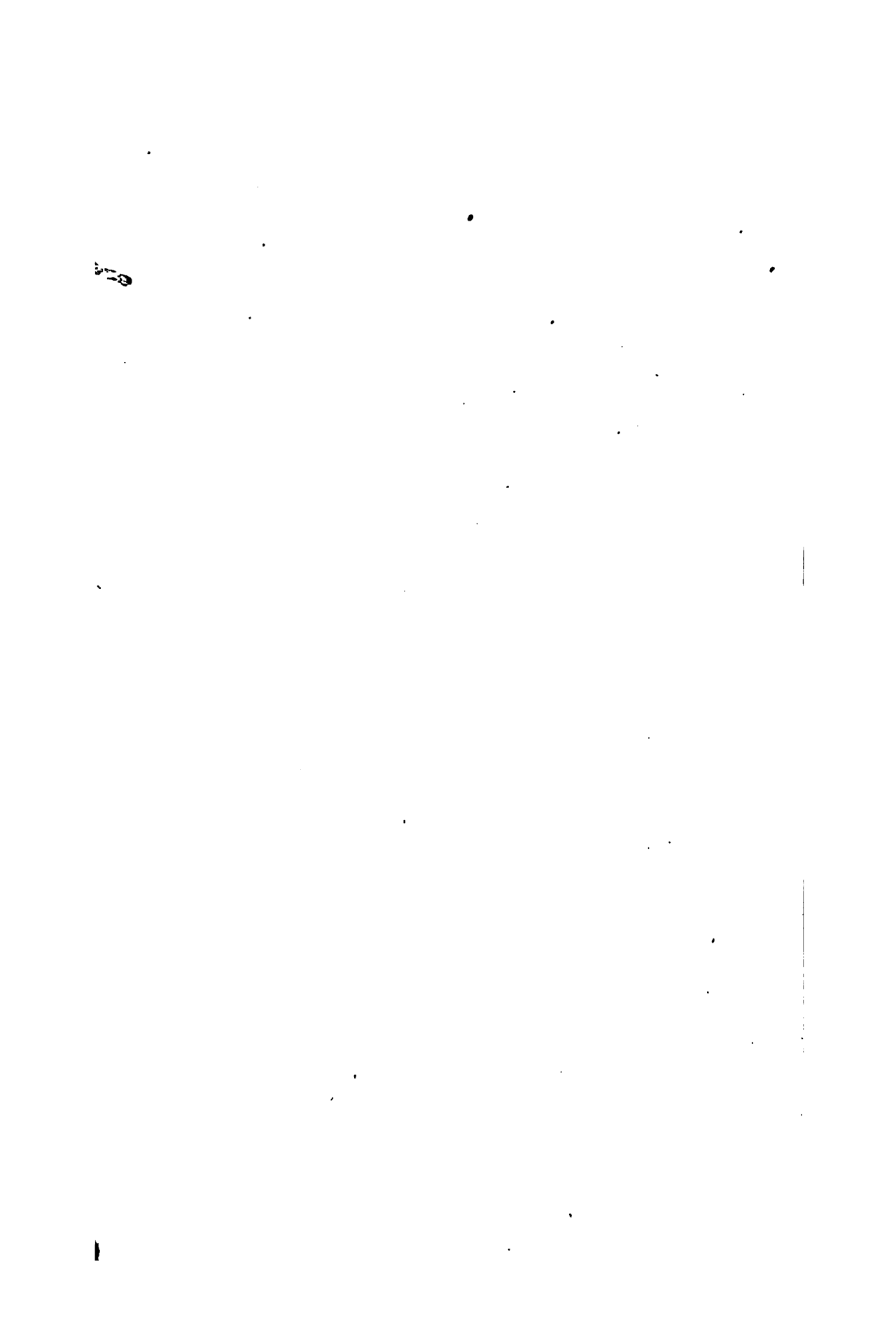


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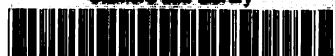
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